



CITY OF BARABOO COMMON COUNCIL AGENDA

Council Chambers, 101 South Blvd., Baraboo, Wisconsin

Tuesday, July 9, 2019, 7:00 P.M.

Regular meeting of the Common Council, Mayor Mike Palm presiding.

Notices sent to Council members: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Kierzek, and Thurow

Notices sent to City Staff and Media: Atty. Truman, Adm. Geick, Clerk Zeman, Finance Director Haggard, City Engineer Pinion, Utility Super. Peterson, Street Super. Gilman, Police Chief Schauf, Parks & Recreation Dir. Hardy, City Treasurer Laux, Fire Chief Kevin Stieve, Library Director Jessica Bergin, CDA Director, the News Republic, WBDL, and 99.7FM,

Notices sent to other interested parties: Citizen Agenda Group, Media Agenda Group, *Becky Diller at Quarles & Brady LLP (for Walmart)*, EMS Chief Dana Sechler

1. **CALL TO ORDER**

2. **ROLL CALL AND PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF PREVIOUS MINUTES** (*Voice Vote*): June 25, 2019

4. **APPROVAL OF AGENDA** (*Voice Vote*):

5. **COMPLIANCE WITH OPEN MEETING LAW NOTED**

6. **PRESENTATIONS** (*None Scheduled*)

7. **PUBLIC HEARINGS** - The Mayor announces that this is the published date and time to hear public comment concerning a request by Tuttle Heights LLC to rezone 0.59 acres of land from its current R-1A Single-Family Residential zoning classification to an R-3 One-to Four-Family Residential zoning classification, being part of the NE ¼ of the NW ¼ of Section 36, T12N, R6E located on the west side of Tuttle Street between Albert Road and 13th Street.

8. **PUBLIC INVITED TO SPEAK** (*Any citizen has the right to speak on any item of business that is on the agenda for Council action if recognized by the presiding officer.*)

9. **MAYOR'S BUSINESS**

- Mayor will read the Big Top Parade & Circus Celebration Proclamation for July 20, 2019.
- Goal Setting & Long Term Planning Meeting – Wednesday, July 10 at 6PM.

10. **CONSENT AGENDA** (*Roll Call*)

CA-1...Approve the accounts payable to be paid in the amount of \$_____

CA-2...Appoint the following:

- John Statz as Weed Commissioner for City of Baraboo serving until April 21, 2020
- Michele Yates-Wickus as School District Representative on the Library Board serving until June 30, 2022.

11. **NEW BUSINESS - RESOLUTIONS**

NBR-1... Approve revising the City's Public Memorial or Facility Naming and Advertising Policy.

NBR-2... Approve the creation of an Engineer 1 position and the corresponding job description and pay¹ grade.

12. **NEW BUSINESS - ORDINANCES**

NBO-1...Approve Ordinance amending § 17.18(4)(a) and the Zoning District Map rezoning tax parcel 206-0370-00000 from R-1A Single Family Residential to R-3 One- to Four-Family Residential.

NBO-2...Approve Ordinance amending § 12.02, Intoxicating Liquor and Fermented Malt Beverages, to include placing restrictions and conditions on the “click and collect” sale of alcohol and to bring this section into compliance with Chapter 125, Wisconsin Statute.

NBO-3...Approve Ordinance amending § 1.60, Public Record Retention Schedule, to adopt the State approved Municipal Record Schedule.

NBO-4...Approve Ordinance creating regulations for Pet Stores in Chapter 12 of the City Ordinances.

13. **COMMITTEE OF THE WHOLE** *(Pursuant to §2.04(15), City Code, actions or votes of any kind taken by the Council acting as a Committee of the Whole shall be deemed advisory only and shall not authorize any official act by any officer, employee, agent or representative of the City. To take official action, the Council will motion to exit the Committee of the Whole or to suspend Council Rules pursuant to §2.04(20), City Code)*

COTH-1...Review and discuss Baraboo Area District Ambulance financial status.

14. **ADMINISTRATOR AND COUNCIL COMMENTS** *(Comments are limited to recognition of City residents and employees, memorials, and non-political community events. Discussion of matters related to governmental business is prohibited.)*

15. **REPORTS, PETITIONS, AND CORRESPONDENCE** - The City acknowledges receipt and distribution of the following:

- **Reports:** June 2019 – Building Inspection

- **Minutes from the Following Meetings:**

Copies of these meeting minutes are included in your packet:

| | | | |
|-------------------|---------|-----------|---------|
| Finance/Personnel | 6-25-19 | BID | 6-19-19 |
| BEDC | 6-6-19 | Ambulance | 5-22-19 |
| Public Safety | 6-10-19 | | |

Copies of these meeting minutes are on file in the Clerk's office:

| | | | |
|----------------------|---------|-----|-----------------|
| Library | 6-18-19 | CDA | 6-4-19, 6-13-19 |
| Emergency Management | 5-23-19 | | |

- **Petitions and Correspondence Being Referred:**

Disclosure from Jordan LaMasney, Paid-per-Call Firefighter *(disclosed per §1.77, City Code – no action or referral required)*

16. **CLOSED SESSION** - The Mayor will announce that the Council will go into Closed Session according to:

- (a) §19.85(1)(e), Wis. Stat., whenever competitive or bargaining reasons require a closed session (City Administrator to provide information on the ongoing union contract negotiations with WPPA).

17. **OPEN SESSION** – The Mayor announces that the Council will return to Open Session as per §19.85(2), Wis. Stat., to address any business that may be the result of discussions conducted in Closed Session.

18. **ADJOURNMENT** *(Voice Vote)*

Brenda Zeman, City Clerk

For more information about the City of Baraboo, visit our website at www.cityofbaraboo.com

July 2019

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|----------------|--------------------|-----------|--|--------|----------|
| 30 | 1 | 2 | 3 | 4 | 5 | 6 |
| | Administrative | CDA | | Independence Day City Offices CLOSED | | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | Park & Rec | Finance Council | | | | |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| | SCDC PFC | Plan Library | BID | UW Campus | | |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| | | Finance Council | | Public Arts Emergency Mgt. | | |
| 28 | 29 | 30 | 31 | 1 | 2 | 3 |
| | Public Safety | | Ambulance | | | |

PLEASE TAKE NOTICE - Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires the meeting or materials at the meeting to be in an accessible location or format should contact the City Clerk at 101 South Blvd., Baraboo, WI or phone (608) 355-2700 during regular business hours at least 48 hours before the meeting so reasonable arrangements can be made to accommodate each request.

Agenda jointly prepared by D. Munz and B. Zeman

Agenda posted on 07/03/2019

Council Chambers, Municipal Building, Baraboo, Wisconsin
Tuesday, June 25, 2019 – 7:00 p.m.

Mayor Palm called the regular meeting of Council to order.

Roll call was taken.

Council Members Present: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Kierzek, Thurow

Council Members Absent:

Others Present: Clerk Zeman, Atty. Truman, K. Stieve, C. Haggard, Lee Szymborski, members of the press and others.

The Pledge of Allegiance was given.

Moved by Ellington, seconded by Kolb and carried to approve the minutes of June 11, 2019.

Moved by Alt, seconded by Wedekind and carried to approve the agenda.

Compliance with the Open Meeting Law was noted.

PRESENTATION - None Scheduled.

PUBLIC HEARING – None Scheduled.

PUBLIC INVITED TO SPEAK – No one spoke.

MAYOR'S COMMENTS:

- The Mayor congratulated the following City Employees on their anniversaries:
 - ❖ Brad Philabaum, CDA Maintenance, 5 years
 - ❖ Ruth Browning, Police Dept./CDA Compliance Officer, 25 years

CONSENT AGENDA

Resolution No. 19-47

THAT the Accounts Payable, in the amount of \$ 219,854.23 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Resolution No. 19-48

WHEREAS, for the reasons stated below, the following delinquent personal property accounts are hereby written off in the amount of **\$58.69:**

| <u>Business Name</u> | <u>Tax Year</u> | <u>Amount</u> | <u>Reason</u> |
|-----------------------------|------------------------|----------------------|------------------------|
| Dennison Used Cars | 2009 | \$ 27.29 | Statute of Limitations |
| Jeffrey Janek Agency | 2017 | \$ 31.40 | Out of business |
| Total | | <u>\$ 58.69</u> | |

WHEREAS, for the reasons stated below, the following accounts receivable balances are written off in the amount of **\$785.34:**

| Name | Tax Year | Amount | Reason |
|----------------------|-----------------|------------------|--|
| Culberson, Ebony | 2018 | \$ 14.25 | State Debt Collection balance too low |
| Hill, Jessica | 2018 | \$ 15.13 | State Debt Collection determined uncollectible |
| Kleinschmidt, Angela | 2018 | \$ 363.05 | Deceased |
| Pereira, Maricella | 2018 | \$ 200.00 | Out of State |
| Salazar, Joseph | 2018 | \$ 100.00 | Cannot Certify |
| Woodward, Patricia | 2015 | \$ 92.91 | Deceased |
| Total | | <u>\$ 785.34</u> | |

WHEREAS, for the reason stated below, the following CDA account receivable balance is hereby written off in the amount of **\$704.68:**

| Name | Tax Year | Amount | Reason |
|-----------------|-----------------|---------------|---------------|
| Davis, Virginia | 2014 | \$ 704.68 | Deceased |

NOW, THEREFORE, BE IT RESOLVED, that the above referenced delinquent accounts are hereby written off, thus removed from or netted against receivables.

Resolution No. 19-49

THAT, Dave Kitkowski be appointed to the Emergency Management Commission serving until April 21, 2020.

THAT, Tony Kujawa be re-appointed to the Library Board serving until June 30, 2022.

Moved by Wedekind, seconded by Plautz and carried that the Consent Agenda be approved-9 ayes.

NEW BUSINESS

Resolutions:

Resolution No. 19-50

WHEREAS, hazard mitigation planning is the process of developing a set of actions designed to reduce or eliminate long-term risks to people and property from hazards and their effects; and

WHEREAS, the Sauk County Hazard Mitigation Plan: 2018-2024 ("PLAN") attempts to assess the magnitude of the risks and develop strategies for minimizing or reducing risks; and

WHEREAS, the City of Baraboo worked with Sauk County Emergency Management to update the Plan, which was last updated in 2011, and

WHEREAS, the City of Baraboo makes the following findings regarding this matter:

1. Natural disasters pose a tangible threat to residents and property.
2. Undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to residents and property and save taxpayer dollars.
3. Preparation of this Plan is in the public interest.
4. This Plan is intended to serve as a general strategy and may be amended from time to time.

5. Nothing in this Plan obligates the City of Baraboo to undertake any of the recommended activities and/or projects.
6. Adoption of the Plan is needed to apply for federal funding for certain mitigation projects.

NOW, THEREFORE, BE IT RESOLVED, the Plan entitled “Sauk County Hazard Mitigation Plan: 2018-2024” is hereby adopted; and

BE IT FURTHER RESOLVED, the City of Baraboo Clerk is directed to send a signed copy of this resolution, at her earliest convenience, to Jeff Jelinek, Sauk County Emergency management Director.

Moved by Wedekind, seconded by Sloan and carried that **Resolution No. 19-50** be approved-9 ayes.

COMMITTEE OF THE WHOLE

Moved by Kolb, seconded by Petty to convene as a Committee of the Whole for the presentation and discussion from Lee Szymborski, GovHR, regarding the status for recruitment of the City Administrator position.

Moved by Ellington, seconded by Alt to reconvene into regular session.

ADMINISTRATOR AND COUNCIL COMMENTS: *None.*

REPORTS and MINUTES

The City officially acknowledges receipt and distribution of the following:

- **Reports:** May, 2019 Treasurer, Airport, Fire Department
- **Minutes from the Following Meetings:**

Finance/Personnel Committee – Dennis Thurow Committee Room, #205

June 25, 2019

Members Present: Petty, Thurow, Sloan

Absent:

Others Present: Mayor Palm, E. Truman, B. Zeman, C. Haggard

Call to Order –Ald. Petty called the meeting to order at 6:30 p.m. noting compliance with the Open Meeting Law. Moved by Sloan, seconded by Thurow to approve the minutes of June 11, 2019 and carried unanimously. Moved by Sloan, seconded by Thurow to approve the agenda. Motion carried unanimously.

Action Items

- a) **Accounts Payable** – Moved by Sloan seconded by Thurow to recommend to Council for approval of the accounts payable for **\$219,854.23**. Motion carried unanimously.
- b) **Writing off Uncollectible Accounts** - The committee reviewed the list of uncollectible accounts. Moved by Sloan, seconded by Thurow to recommend to Council for approval. Motion carried unanimously.

Informational Items

- a) City Attorney’s report on insurance claims
 - o Claim Denial – Dorothy Schuetz requested \$500 for damages to vehicle due to alleged pothole.
- b) Atty. Truman explained that we are currently looking at obtaining RFP or RFQ for agenda and minutes management services.

Adjournment – Moved by Sloan, seconded by Thurow and carried to adjourn at 6:14pm.

- **Copies of these meeting minutes are on file in the Clerk's office:**

| | | | |
|-------------------|---|---------------------|----------|
| Plan Commission | 05-21-19 | UW Campus Comm. | 05-16-19 |
| CDA | 05-07-19 | Public Arts | 05-23-19 |
| Park & Rec. Comm. | 05-13-19 | Police & Fire Comm. | 05-20-19 |
| Library | 5-10-19, 5-14-19, 5-20-19, 5-21-19, 5-24-19 | | |

- **Petitions and Correspondence Being Referred:** *None.*

ADJOURNMENT

Moved by Sloan, seconded by Wedekind, and carried on voice vote, that the meeting adjourn at 7:25pm.

Brenda Zeman, City Clerk

NOTICE OF PUBLIC HEARING
City of Baraboo, Wisconsin

NOTICE IS HEREBY GIVEN that the Common Council of the City of Baraboo, Wisconsin, will hold a public hearing in the Council Chambers in the Municipal Building located at 101 South Blvd, Baraboo, Wisconsin, on Tuesday, July 9, 2019, at 7:00 o'clock p.m. for the purpose of giving an opportunity to any interested persons to be heard to consider the following matter(s):

Request by Tuttle Heights LLC to rezone 0.59 acres of land from its current R-1A Single-Family Residential zoning classification to an R-3 One- to Four-Family Residential zoning classification, being part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, T12N, R6E located on the west side of Tuttle Street between Albert Road and 13th Street described as follows:

Commencing on the north lie of Albert Road at a point 990 feet south and 429 feet east of the NW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 32; thence east along the north line of Albert Rd 198 feet to the west line of Tuttle Street; thence north along the west line of Tuttle Street 132 feet to the south line of 13th Street; thence west along the south line of 13th Street 198 feet; thence south 132 feet to the point of beginning;

Any person interested in obtaining additional information concerning the subject matter of this hearing may contact the City Engineering Department at the Municipal Building, 101 South Blvd, Baraboo, Wisconsin 53913.

PLEASE TAKE FURTHER NOTICE that the Common Council may make substantial changes in the zoning as a result of objection, debate and discussion at this hearing. For more information about the City of Baraboo, visit our website at www.cityofbaraboo.com.

/s/ Brenda Zeman, City Clerk.

To be published on: June 24 and July 1, 2019 in the legal section.

RESOLUTION NO. 2019 -

Dated: July 9, 2019

The City of Baraboo, Wisconsin

| |
|--|
| <i>Background:</i> |
| Fiscal Note: (Check one) [] Not Required [] Budgeted Expenditure [] Not Budgeted |
| <i>Comments</i> |

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the Accounts Payable, in the amount of \$ _____ as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Offered By: Consent

Approved by Mayor: _____

Motion:

Second:

Certified by City Clerk: _____

RESOLUTION NO. 2019 -

Dated: July 9, 2019

The City of Baraboo, Wisconsin*Background:*

Fiscal Note: (Check one) ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted
Comments

Resolved, by the Common Council of the City of Baraboo, confirms the Mayor's appointments as follows:

THAT, John Statz be appointed as the Weed Commissioner serving until April 21, 2020 and that

THAT, Michele Yates-Wickus be appointed as the School District Representative on the Library Board serving until June 30, 2022.

Offered By: Consent
Motion:
Second:

Approved by Mayor: _____
Certified by City Clerk: _____

RESOLUTION NO. 2019 -

Dated: July 9, 2019

The City of Baraboo, Wisconsin

Background. On February 23, 2016 the Common Council approved the City's Public Memorial or Facility Naming and Advertising Policy. As part of the Policy, the naming of public facilities after a living person was prohibited.

A request has been made to reconsider this portion of the Policy. A review by the City Attorney found no legal concerns with changing the Policy to allow the naming of a public facility after a living person, although the City will want to retain the right to place conditions and restrictions on said naming as the City deems appropriate.

Budgeting Note: ☒ *Not Required* ☐ *Budgeted Expenditure* ☐ *Not Budgeted*
Comments:

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

That Section 1.10 of the City's Public Memorial or Facility Naming and Advertising Policy is hereby amended as follows:

- 1.10 If a person, family or organization makes a significant donation (i.e. cash, property, equipment, etc.) to the City, their wishes to have the donation recognized by naming the donation or the purpose the donation was used for (i.e. property or equipment) their wishes shall be considered favorably, although the final decision shall remain in the sole discretion of the City and the City shall be allowed to place any lawful condition or restriction on the naming as it deems appropriate, except in no case shall the property be named for a living person.

Offered by: Finance/Personnel Committee
Motion:
Second:

Approved: _____

Attest: _____

City of Baraboo
PUBLIC MEMORIAL OR FACILITY NAMING AND ADVERTISING POLICY¹

PURPOSE.

The purpose of this Policy is to define the process and criteria by which the City of Baraboo shall name public memorials and/or facilities. This Policy will also cover banners, scoreboards and bleacher wraps whether used for honorariums or advertising.

OBJECTIVES.

The success and vitality of the City depends on the contribution and support from citizens, volunteers, financial donors, community leaders and officials. The City welcomes the opportunity to honor those who have demonstrated outstanding service and enhanced the community of Baraboo.

The number of facilities owned by the City is finite. As a result, a fair and impartial policy is necessary to assure that naming a facility based on an individual, group or corporation is reserved for those most deserving and appropriate, and to recognize substantial gifts. In regard to the Baraboo Public Library, §43.58, Wis. Stat. should be followed, but it is the express intent of the City Council for this Policy to be uniformly followed by all City boards, committees and commissions.

This Policy will provide criteria for citizen input in to the process of naming facilities, public memorials and how advertising will be handled on public property of the City. Names submitted for consideration should provide some form of individual identity in relation to the following:

1. The geographic location of the facility. This includes descriptive names.
2. The outstanding feature of the facility.
3. An adjoining subdivision, street, school, or natural feature.
4. To honor a person or group:
 - 4.1. When a major donation has been made to the City for a land or facility wherein the donor stipulates a name as being a consideration of a donation, and donation is deemed suitable for public purposes, the City Council shall have the prerogative of accepting or rejecting such an offer.
 - 4.2. An organization, business, or group for whom land or facility is to be named should meet the following criteria:
 - 4.2.1. It should not be political or religious in nature unless it has had a unique and important place in the area's history.
 - 4.2.2. It should be a local organization, business, or group, unless if a nonlocal group, it has performed some outstanding service for the area.
5. The City Council shall be the final authority for naming public property or facilities.

POLICY.

In considering the naming of a public facility, the City Council shall adhere to the following Policy:

1. Naming Facilities such as Streets, Buildings, Parks and Playgrounds.
 - 1.1. A facility may be named if the City receives a gift that represents approximately 1/3 or more of the capital cost of a new or renovated facility. The City Council shall determine what qualifies as an acceptable gift.

¹ Approved by Resolution 15-114 on Feb 23, 2016.

- 1.2. The name of an individual may be considered only if it is determined that it is in the public interest to honor the individual or the individual's family for historical or commemorative reasons.
- 1.3. The name of an individual shall not be given consideration unless the individual portrays a positive image and is or was associated with or made a significant contribution to the public building or facility being named or renamed or to the area in which the building, facility or street is located.
- 1.4. Names of individuals who have made contributions in the arts, entertainment and business shall be considered along with names of individuals known for outstanding careers of public service.
- 1.5. Names of individuals who have made significant contributions to the City of Baraboo shall be preferred over names of national figures.
- 1.6. In the naming of parks, health centers, libraries, fire and police stations and other facilities with specific missions or functions, preference shall be given to names of individuals who have made significant contributions in occupations related to those facilities.
- 1.7. In and of themselves, contributions of land or money for public facilities shall not be considered ample justification for naming or renaming facilities after individuals.
- 1.8. An individual's epithet, nickname or title may be used if it would provide a more appropriate, interesting or enduring name.
- 1.9. Full names shall not be considered unless use of an individual's last name only would render the building, facility or street unidentifiable or create confusion with other such buildings, facilities or streets.
- 1.10. If a person, family or organization makes a significant donation (i.e. cash, property, equipment, etc.) to the City, their wishes to have the donation recognized by naming the donation or the purpose the donation was used for (i.e. property or equipment) their wishes shall be considered favorably, although the final decision shall remain in the sole discretion of the City and the City shall be allowed to place any lawful condition or restriction on the naming as it deems appropriate, except in no case shall the property be named for a living person.²
- 1.11. No public street or other public property that memorializes (is named for) a person shall be renamed unless it is found that the individual's personal character is or was such that continued use of the name would not be in the best interest of the community. Only streets or public property that have generic or geographical names may be renamed.

2. Naming a Park

- 2.1. Naming a Park - A temporary name will be designated by the City staff for identification during acquisition and/or development of the park area or facility.
- 2.2. Working in cooperation with the Parks and Recreation Department, individuals, groups or organizations interested in proposing a name for a new, un-named park area or facility must do so in writing. This proposal shall be presented to the Parks and Recreation Director for consideration by the Parks Commission.
- 2.3. A written description of qualifications for the name being considered must be submitted at this time. This should include location of the facility, any outstanding features of the site, detailed biographical information of an individual being recommended for a name and a narrative explaining the justification for the naming of the facility.
- 2.4. The Park Commission receives the request for naming and provides a recommendation of a proposed name for a facility to the City Council.
- 2.5. The proposal and recommendation for naming a facility will be posted in the local newspaper and comments from the public are requested within 30 days of the Park Commission recommendation.

² Section amended by Resolution XX-XXX on XXXX, 2019.

- 2.6. Following the conclusion of the 30 day period for public comment, the recommendation and any public comments will be forwarded to the City Council for action.
- 2.7. This policy will allow naming of park contests to be held through various means that have prior approval of the Park Commission and City Council.

3. Renaming a Park

- 3.1. A park named for an individual may be changed if:
 - 3.1.1. because of a major donation that is deemed by the City Council to benefit the community for public purposes, or
 - 3.1.2. it is found that the individual's personal character is or was such that continued use of the name for a park would not be in the best interest of the community.
- 3.2. Parks named for subjects, other than individuals, may be changed in name only if the current name is ineffective or inappropriate or a substantial monetary or other contribution warrants consideration of honoring with a name.
- 3.3. The new name must follow the criteria allowed herein and must receive a recommendation from the Park Commission to the City Council.

4. Naming Public Streets

- 4.1. Petitions from citizens to name a public street should be submitted to the City Clerk and should follow the criteria outlined in section 1 of this policy.
- 4.2. No public street or other public property may be named for an individual until the person has been deceased for at least one (1) year.
- 4.3. Renaming a public street
 - 4.3.1. No public street shall be formally renamed unless the owners of two-thirds of the linear feet of the abutting property request and agree to change the name of a street. As its primary option, the City may create an honorary name on public streets such that the existing formal street name will not be changed.
 - 4.3.2. The name of a street that is located within the Original Baraboo Center shall not be changed – except for honorary memorials.
 - 4.3.3. A public street may be re-named or an honorary name created if one of the following qualifies:
 - 4.3.3.1. The candidate gives an appropriate gift to the City designated for the specific street or immediate area.
 - 4.3.3.2. The candidate has made a substantial and/or long-term contribution to the life and spirit of the community of Baraboo.
 - 4.3.3.3. To request the renaming of a City street, by anyone other than the City Staff, Elected Official, City Board or Commission, a petition signed by at least two-thirds (66.6%) percent of all property owners along the street, with a maximum of one signature per parcel, shall be submitted to the City Clerk and follow the procedures contained in Section 1. Signatures shall be obtained by the person or persons requesting the renaming.
 - 4.3.3.4. Following the same procedures as noted in a) iii above, a petition of 51% of the properties on a street being considered for renaming who object to a renaming of the street will remove it from consideration by the City Council.

5. Costs

- 5.1. All costs to purchase and install plaques or tribute markers shall be secured by the person or group nominating the candidate, unless otherwise specified by the City Council.
- 5.2. The City Council shall have complete and sole authority to approve the size, content, location and material of plaques and tribute markers.

6. Sponsorship and Acknowledgments

- 6.1. Purpose - The purpose of this policy is to establish standard procedures and guidelines following sponsorships to City facilities and to set guidelines for entering into sponsorship agreements with private entities. This policy is not applicable to gifts, grants or unsolicited donations in which no benefits are granted to the benefactor and where no business relationship is created, or to events authorized by a Special Events Permit issued by the City of Baraboo.
- 6.2. Authorization - All offers for donations in City Parks must be reviewed by the Parks, Recreation and Forestry Director. If approved, Parks and Recreation Commission will be made aware of donation if terms are attached. Commission will review terms of the donation and approve or reject the request based on the review.
- 6.3. Objectives –
 - 6.3.1 Provide uniform expectations for sponsors, donors and staff.
 - 6.3.2 Provide uniform criteria for sponsorships.
 - 6.3.3 Insure that sponsored items receive high standard of care to protect the donor/sponsor investment. (However donors must realize that once the donation is accepted, it is property of the City of Baraboo).
- 6.4. Policy - It is the policy of the Baraboo Parks, Recreation & Forestry Department that:
 - 6.4.1 Sponsorships must support the mission of the Baraboo Parks, Recreation & Forestry Department.
 - 6.4.2 Sponsorships will not result in any loss of City jurisdiction or authority.
 - 6.4.3 The following organizations are not eligible for sponsorships : religious and/or political organizations; or those organizations that derive more than 50% of gross revenues from the sale of alcohol, tobacco, firearms, pornography or other products or services that are only suitable for (or associated with) adults.
- 6.5. Definitions
 - 6.5.1 Business Sponsorship - Display by a specific organization of its company name on Baraboo Parks, Recreation & Forestry Department property, facilities, programs or events, in exchange for financial support and/or donated goods or services.
 - 6.5.2 Parks and Recreation Commission - a commission created by the City Council as an advisory committee to the Director of Parks, Recreation, & Forestry, City Council and other city departments.
 - 6.5.3 Park Facilities - all park lands and facilities in the City of Baraboo.
- 6.6. Responsibility - The Director of Parks, Recreation, & Forestry (or designee) is authorized to enter into private sponsorship agreements consistent with these policies, provided that the Parks and Recreation Commission must also recommend any agreement and the City Council must approve agreements which:
 - 6.6.1 Involves a sponsorship lasting more than 3 months
 - 6.6.2 Involves a display of sponsor recognition that will be in place longer than the program that is being sponsored (i.e. banners installed a week before an event to announce the event dates)
- 6.7. Signage
 - 6.7.1 The type, location, size, design, content and duration of any sponsor recognition must meet current City of Baraboo sign code.
 - 6.7.2 All signage and other display must meet any requirements or limitations contained in the sponsorship agreement.
- 6.8. Sponsored Materials. All products accepted in exchange for sponsorship recognition require the Director's approval and must meet the specifications and standards used by the Parks, Recreation & Forestry Department in the purchase of similar materials.

6.9 Community Sports Teams. Any entities other than those described under Policy paragraph C. may sponsor community sports teams (soccer, baseball, etc.) and are not subject to this Sponsorship policy. The Director must approve any recognition of such sponsorships if on park property.

6.10 Procedures

6.10.1 All proposals for sponsorships must be in writing.

6.10.2 If the Director approves the sponsorship application, staff will prepare a sponsorship agreement. In cases where the agreement is subject to Commission approval, the Director shall present the agreement to the Parks and Recreation Commission for its approval. Approval must be granted prior to implementation.

6.11 Criteria

6.11.1 Both the Director and Parks & Recreation Commission may use, but are not limited to, the following criteria when evaluating a sponsorship proposal; in all cases, the Director (or designee) will have the prerogative to accept or reject the proposal, subject to final review by Park Commission.

6.11.2 The compatibility of the entity's products, customers and promotional goals with the City of Baraboo Parks, Recreation & Forestry Department's mission and image;

6.11.3 The entity's past record of involvement in the community;

6.11.4 The extent to which the sponsorship proposal is likely to generate public controversy;

6.11.5 The operating and maintenance costs associated with the proposal;

6.11.6 The entity's record of responsible environmental stewardship.

6.12 Term Limits - unless otherwise specified in the Sponsor Agreement Terms, all sponsorships shall have a term extending for the life of the item sponsored. The life of an item is defined as the typical life expectancy of that item under normal conditions.

6.13 Specific Sponsorships - Specific donated items will have the following general rules followed:

6.13.1 Scoreboard Sponsorships

6.13.1.1 Font. Only block font types the same size as existing panels in the park may be used.

6.13.1.2 Logos. logos will be allowed on sponsor panels.

6.13.1.3 Colors. All colors will be uniform with the item they are mounted on, with background colors to match the primary color of item being donated/sponsored and white lettering.

6.13.1.4 Taglines/Mottos. Taglines are not allowed however sponsor applicant may request additional organization identifiers in some cases (i.e. Member FDIC or established 1857), provided that no statement of opinion that further describes the donor business (i.e. "Tastes Great!") will be allowed. Any requests for language in addition to organization's legal name must have prior approval from Parks Commission.

6.13.2 Other Sponsored items - Other items sponsored are at the discretion of the Parks, Recreation & Forestry Director, with advisement from the Parks and Recreation Commission when possible. Any item donated becomes property of the City when made and is completely at City discretion as to future care/use/display/disposal.

7. Policy Application. This policy will apply to the majority of situations and is intended to maintain fairness and consistency. The City recognizes that there may be unique circumstances or events that may warrant a departure from this policy for the overall good of the City. The City Council shall consider such matters and shall identify any special considerations and the justification to deviate from this policy on a case-by-case basis.

Policy Established By the City of Baraboo City Council

Date: Feb 23, 2016

RESOLUTION NO. 2019 -

Dated: July 09, 2019

The City of Baraboo, Wisconsin

Background. The City has historically staffed two Engineering Technician positions in the Engineering Department. One of those positions was vacated earlier this year. As part of the recruitment efforts to fill that vacant Engineering Technician position, staff has recommended the creation of a new position for an intermediate position in the Engineering Department that would include additional minimum qualifications and duties compared to that of an Engineering Technician.

The proposed Position Description for an Engineer 1 has been reviewed internally by the City Administrator and City Attorney and externally by GovHR to add the position to the City's Pay and Classification Plan at Grade 9.

Budgeting Note: ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted

Comments: *The money to buy the land will be coming from the Library's Building Fund*

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

That the position and corresponding description, attached to this Resolution, for an Engineer 1 is hereby approved.

Offered by: Finance/Personnel Comm.

Motion:

Second:

Approved: _____

Attest: _____

CITY OF BARABOO
Position Description

| | |
|-------------------------|--------------------------------------|
| Class Title: | Engineer 1 (Staff Engineer) |
| Grade: | 9 |
| Created/Updated: | July 2019 |
| Department: | Engineering |
| Reports to: | City Engineer and City Administrator |

General Purpose: Perform routine and complex non-professional engineering work and provide customer assistance to the public. Provide data, research, and maps to aid departments throughout the City. May serve as a member of the Information Technology Workgroup.

Supervision:

Received: Works under the general supervision of the City Engineer. However, position also works closely with Water, Sewer, Public Works, and Administration.

Exercised: Not applicable.

Essential Duties & Responsibilities:

1. Locate utilities for Digger Hotline calls to include sanitary, storm, electrical and fiber.
2. Perform survey and layout for street, alley, utility or other construction projects.
3. Determine location of public right-of-way and property lines for City-owned property.
4. Research and write legal descriptions as directed by the City Engineer.
5. Prepare engineered drawings under the direction of the City Engineer.
6. Act as Resident Project Representative on construction projects.
7. Provide Construction Staking as required for the City's construction projects.
8. Responsible to fulfill all requirements of the Wisconsin DNR's WPDES General Permit for discharge from the Municipal Separate Storm Sewer System (MS4).
9. Complete annual PASER ratings for all streets and alleys and file necessary report(s) with WDOT as required.
10. Develop and maintain 5-year Street Improvement Plan.
11. Develop and maintain 3-year Sidewalk Improvement Plan.
12. Prepare Special Assessment Reports for assessable improvements.
13. Coordinate Annual Sidewalk Maintenance Program activities.
14. Assist with preparation of annual Budget.
15. Maintain and file all official map records, (tax parcel, utility, street, etc.).
16. Give general and technical information regarding department activities in response to inquiries both in the Engineering Department and the Assessor's Office.
17. Secondary person to input facility maintenance data on to maps and into data bases for streets, sewers, sidewalks, signs, parking lots, and other City owned facilities into a GIS system.
18. Assist with computer support on City network.
19. Assist with installation and maintenance with all GIS programs.
20. Other duties as apparent or assigned.

Peripheral Duties:

1. Operate a vehicle.
2. Provide backup to related positions.
3. Attend meetings as assigned.
4. Attend periodic safety classes as determined appropriate for the position, i.e. personal protective equipment, excavating and trenching, etc.
5. Assists the public by providing information and maps.
6. Perform additional tasks as required or requested.

Desired Minimum Qualifications:

1. Specialized knowledge of engineering work acquired either through education or experience.
2. Working knowledge of surveying and engineering practices and principals.
3. Able to read and write legal descriptions, translating them into graphic map representations.
4. Working knowledge of engineering transit and level and related surveying tools, personal operating computer systems, GIS systems, and AutoCADD software.
5. Able to effectively meet and deal with the public, to communicate effectively both verbally and in writing, and to follow oral and written instructions.

Education and Experience:

1. A Bachelor's degree in Civil Engineering.
2. A minimum of 5 years' experience as an Engineer or in a related field.

Special Requirements: Understand the importance of safety by attending classes provided by the City through CVMIC and other trained staff because of exposure to accidents that could occur while working in the field.

Tools & Equipment Used: Personal computer, Engineering transit, level and related surveying tools, large format plotter and scanner/copier, manual and computerized drafting equipment.

Physical Demands: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is frequently required to walk; use hands to finger, handle or operate objects, tools or controls; and reach with hands and arms.

The employee must routinely lift and/or move up to 50 pounds and 100 pounds occasionally. Specific vision abilities required by this job include close and distant vision and the ability to adjust focus.

Work Environment: The work environment characteristics described here are representatives of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

A portion of the work will be outdoors, sometimes in severe environments throughout the winter months in particular. Position may respond to calls from the Utility Department for emergency locates. The need to visit sites throughout the City requires working in all types of weather, both favorable and inclement. Work is also done at times in moving traffic. The noise level in the office work environment is moderate; work in the field may be noisy.

Selection/Guidelines: Formal application, rating of education and experience; oral interview, and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

The City of Baraboo, Wisconsin

Background: The owners of the property on the west side of Tuttle Street between Albert Rd and 13th St would like to rezone their property so the two multi-family residential structures (one currently 4 units and the other currently 3 units) conform to the Zoning Code.

The Plan Commission reviewed the proposed zoning change at their June 18th meeting, and forwarded the matter to the Common Council for further consideration with a favorable recommendation.

Fiscal Note: (check one) ☒ **Not Required** ☐ **Budgeted Expenditure** ☐ **Not Budgeted** **Comments:**

An Ordinance amending §17.18(4)(a) and the Zoning District Map rezoning tax parcel 206-0370-00000 from R-1A Single Family Residential to R-3 One- to Four-Family Residential.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. Section 17.18(4)(a), Ordinances is hereby revised to reflect the following change to Tax Parcels 206-0370-00000: rezone this 0.59 acres of land being part of the NE ¼ of the NW ¼ of Section 36, T12N, R6E located on the west side of Tuttle Street between Albert Road and 13th Street described as follows:

Commencing on the north lie of Albert Road at a point 990 feet south and 429 feet east of the NW corner of the NE ¼ of the NW ¼ of said Section 32; thence east along the north line of Albert Rd 198 feet to the west line of Tuttle Street; thence north along the west line of Tuttle Street 132 feet to the south line of 13th Street; thence west along the south line of 13th Street 198 feet; thence south 132 feet to the point of beginning

2. This Ordinance shall take effect upon passage and publication as provided by law.

Mayor's Approval: _____

Clerk's Certification: _____

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the 9th day of April, 2019 and is recorded on page 205 of volume 42.

City Clerk: _____

NBO-2

The City of Baraboo, Wisconsin

Background: Retailers in Wisconsin have begun offering a service called “click and collect” or “curbside service,” where a customer will order groceries or other goods online or through a mobile app and the store will bring the goods to the customer’s car – saving the customer a trip inside the store. This has also expanded to include the sale of alcohol. Walmart, located in the city of Baraboo, recently notified the City that it would like to amend its alcohol license to allow for “click and collect” alcohol sales.

State law and City code do not expressly prohibit “click and collect” alcohol sales, although a municipality does have the right to place restrictions and conditions on the activity to ensure the sales are conducted lawfully. Examples of these restrictions include:

- Limiting the time the pickup of alcohol can occur (e.g., alcohol pickup can only occur between 8 a.m. and 8 p.m.)
- Cut off time for when an order for alcohol can be placed for same day pickup (e.g., orders of alcohol placed after 4 p.m. cannot be picked up the same day)
- Requiring the employee who physically hands the alcohol to the customer in their car to be subject to the same regulations as employees handling in-store sales of alcohol

Attached is an amendment to the City’s current alcohol license ordinance that mirrors language used by other communities (Madison, De Pere, Fort Atkinson, etc.) that have chosen to regulate “click and collect” alcohol sales.

In addition to the proposed language for “click and collect” sales, the entirety of the City’s alcohol licensing code has been reviewed by the City Clerk, Police Chief and City Attorney in order to update it to be compliant with Chapter 125 of the State statutes (regulating alcohol) and to eliminate duplicate language between the State statute and City code.

The only significant amendment is the removal of language that improperly allowed the approval of a license be handled entirely by staff, bypassing the governing body’s approval. At this time, State law expressly requires that alcohol licenses – with the sole exception of provisional operator (bartender) licenses – be approved by the governing body (the Common Council).

The proposed amendments were reviewed by the Administrative Committee at the July 1, 2019 meeting and a unanimous recommendation was made for Council to approve said amendments.

Fiscal Note: (check one) ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted
Comments:

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. Section 12.02 of the Baraboo Municipal Code is amended as follows:

12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

(1) STATE STATUTES ADOPTED. Except as otherwise specifically provided for in this section~~Chapter~~, the provisions of Ch. 125, Wis. Stats., ~~defining and describing the sale, possession, procurement, dispensing, transfer and otherwise regulating intoxicating liquors and fermented malt beverages, exclusive of any regulations for which the statutory penalty is a term of imprisonment,~~ are adopted and by reference made a part of this Chapter section as if fully set forth herein. A violation of any such provision shall constitute a violation of this section. Any future amendments, revisions or modifications of the statutory regulations in Ch. 125, Wis. Stats., are ~~intended to be~~ made a part of this Chapter section in order to secure to the extent legally practical uniform statewide regulation of alcohol beverages in the State of Wisconsin.

~~(2)~~
(2) DEFINITIONS. Unless otherwise specified in this section, As used in this section, the following definitions apply:
~~(a) Legal Drinking Age. Twenty-one years of age but includes persons who have attained the age of nineteen on or before August 31, 1986.~~
(b) ~~Underage Person. A person who has not attained the legal drinking definitions contained in §125.02, Wis. Stat., shall apply to this section age.~~

(3) LICENSES REQUIRED.

(a) No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto, whenever such license is required by state statute.

(b) A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale.

(c) No license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment, except as otherwise permitted by state statute.

~~(34)~~ LICENSE APPLICATION. In addition to the license, application conditions and restrictions imposed by in §125.04, Wis. Stat., and §12.01, City Code, the following shall apply:

Application for a license to sell or deal in alcohol beverages shall be submitted to the City Clerk in writing on forms furnished by the City Clerk. Applications shall contain such reasonable and pertinent information as the Council may from time to time require. Each application shall be signed and sworn to by the applicant, if an individual, or by all partners, if a partnership, or by a duly authorized agent or officer of a corporation, limited liability company, club or other entity eligible for an alcohol beverage license. (d) All matters statements submitted by an

applicant shall be true. Any ~~person and/or~~ applicant who submits an untrue statement in connection with any license application under this section shall be subject to a penalty as provided in §25.04 of this Code ~~or §125.04(3)(f), Wis. Stat.~~ It shall be grounds for denial of a license if the applicant makes an untrue statement on any license application.

~~(b) Applications shall be filed with the City Clerk not less than 15 days prior to the granting of the license except that applications for Temporary Class "B" licenses to be issued under §125.26(6), Wis. Stats. shall be filed with the City Clerk not less than 5 business days prior to the granting of the license.~~

~~(c) All applications shall be accompanied by the appropriate fee and the cost of publication, if applicable, however no fee shall be required to be paid more than 15 days prior to the date the license is to be issued, as per §125.04(8), Wis. Stat.~~

~~(d) As applicable, applicants shall attach a copy of their Seller's Permit to the license application.~~

~~(e) Further, as a condition of granting a license, the applicant shall consent to a personal photograph and sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant and its officers, partners and agents. (1773 11/08/94)~~

(45) APPLICATION INVESTIGATION AND REVIEW.

~~(a) The City Clerk shall notify the City Administrator, the Chief of Police, the Zoning Administrator, the Building Inspector, and the Fire Inspector, or their respective designees, regarding all license applications, except operator's license applications which shall only be submitted to the City Administrator and Chief of Police. These officials shall cause an investigation to be made to determine whether the applicant and/or the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the City Administrator-Clerk the information derived from such investigation.~~

~~(b) The City Administrator-Clerk shall review and consider said reports and shall apply the licensing standards set forth in this section and in Ch. 125 Wis. Stats., and if the City Administrator-Clerk finds that there is no reasonable basis for denying the license applied for, he/she shall be authorized to grant the recommend the issuance of the license to the Administrative Committee, who shall then make a recommendation to the Common Council.~~

~~(c) If the City Administrator-Clerk determines that there is any reasonable basis for denying a license, he/she shall file his/her report and recommendations with the Administrative Committee. The Administrative Committee shall review and consider all reports filed with the Committee and shall file its report and recommendations with the Common Council, including any additional conditions or requirements that the Committee finds are necessary to fulfill the purpose and intent of this section. After reviewing the application and the reports referred to it by the Administrative Committee, the Council shall grant or deny the issuance of the license.~~

(e) Any person objecting to the granting of any license under this section shall file his/her objections and the basis therefore in writing with the City Clerk within 3 ~~business working~~ days after the date of the last publication date of the legal notice published in the City newspaper pursuant to §125.04 Wis. Stats., or if the publication of a legal notice is not required, then any objections shall be filed within 3 ~~businessnworking~~ days of the filing of the application with the City Clerk.

(f) It shall be the duty of the City Clerk whenever an alcohol beverage license shall have been granted by ~~the City Administrator or the~~ Common Council, and the applicant shall have produced and filed with the City Clerk, proof of the satisfaction of any conditions or requirements imposed as a condition of granting the license and a receipt showing payment of any sums required for such license to issue to such applicant a license in accordance with the provisions of this section and of the laws of the State of Wisconsin. (1773 11/08/94, 2116 04/15/03)

~~(i) Provisional Operator's License. - A provisional operator's license ~~may~~ shall be issued by the City Administrator Clerk or his/her designee pursuant to §125.17(5)(1)(a), Wis. Stats., and consistent with the regulations of §125.17(5), Wis. Stat. regarding Provisional Operator's Licenses. This license shall only be issued in order to enable the applicant to complete a Responsible Beverage Server Training Course and only if the applicant is enrolled in a certified training course at the time the provisional license is issued. Only one provisional operator's license shall be issued per each application. A provisional operator's license shall be valid for a period not exceeding sixty (60) days or until a regular license is issued, whichever occurs first. The City Administrator, or his/her designee, shall be authorized to issue a provisional operator's license to a person who files a certified copy of a valid operator's license issued by another municipality.~~

~~In all other cases, before a new provisional license is issued, the City Administrator, or his/her designee after consultation with the Police Chief, shall be satisfied that, except for the need to complete a Responsible Beverage Server Training Course, the applicant has met or will be able to meet the minimum licensing qualifications and requirements for the Administrator to grant a regular operator's license or a conditional operator's license pursuant to the current Standards regarding Issuance of Bartender Licenses established by the Common Council. A provisional operator's license shall further be subject to the restrictions set forth in Wis. Stats. §125.17(5). (1713 12/21/23, 1848 01/23/96, 2095 09/21/02, 2159 07/27/04)~~

(56) LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as set forth in the City's Official Fee Schedule.

~~(a) Class "A" Fermented Malt Beverages:~~

~~(b) Class "B" Fermented Malt Beverages: A 6-month license may not be renewed in the same calendar year.~~

~~(c) Class "B" Fermented Malt Beverage Picnic License Issued Pursuant to §125.26(4), Wis. Stats:~~

~~(d) Wholesalers Fermented Malt Beverages:~~

~~(e) "Class A" Intoxicating Liquor:~~

~~(f) "Class B" Intoxicating Liquor: The license fee to bona fide clubs and lodges situated and incorporated or chartered in the State of Wisconsin for at least 6 years shall be, as provided~~

by the Official Fee Schedule, as required by Ch. 125, Wis. Stats. The fee for licenses issued for less than one year shall be prorated.

~~(g) Pharmacist's License.~~

~~(h) Operator's License.~~

~~(i) Provisional Operator's License. A provisional operator's license may be issued by the City Administrator or his/her designee pursuant to §125.17(5), Wis. Stats. This license shall only be issued in order to enable the applicant to complete a Responsible Beverage Server Training Course and only if the applicant is enrolled in a certified training course at the time the provisional license is issued. Only one provisional operator's license shall be issued per each application. A provisional operator's license shall be valid for a period not exceeding sixty (60) days or until a regular license is issued, whichever occurs first. The City Administrator, or his/her designee, shall be authorized to issue a provisional operator's license to a person who files a certified copy of a valid operator's license issued by another municipality.~~

~~In all other cases, before a new provisional license is issued, the City Administrator, or his/her designee, after consultation with the Police Chief, shall be satisfied that, except for the need to complete a Responsible Beverage Server Training Course, the applicant has met or will be able to meet the minimum licensing qualifications and requirements for the Administrator to grant a regular operator's license or a conditional operator's license pursuant to the current Standards Regarding Issuance of Bartender Licenses established by the Common Council. A provisional operator's license shall further be subject to the restrictions set forth in Wis. Stats. §125.17(5); (1713 12/21/93, 1848 01/23/96, 2095 9/24/02, 2159 7/27/04)~~

~~(j) Temporary Operator's License. Not to exceed 14 days in one year.~~

~~(k) Transfer of License to Another Premises.~~

~~(l) Temporary "Class B" Wine License Issued Pursuant to §125.51(5m), Wis. Stats.~~

~~(m) Issuance of Duplicate Original License. (1628 11/12/94)~~

~~(n) "Class C" Wine License.~~

~~(a) Provisional Retail License. A one-time only provisional retail license may be issued by the City Administrator or his/her designee pursuant to §125.185, Wis. Stats. A provisional retail license shall be valid for a period not exceeding 60 days or until a regular license is issued, whichever occurs first. Before this license is issued, the Administrator shall be satisfied that the following standards will be met:~~

~~1. The applicant has met or will be able to meet the minimum licensing qualifications and requirements.~~

~~2. The licensed premises has undergone all required inspections and meets all applicable codes.~~

~~3. No objection to the issuance of the license has been filed with the Administrator by any City officials or officers, or by a third party.~~

~~4. The applicant and the premises will be able to satisfy all prerequisites for the issuance of a regular license within the period of the 60-day provisional license. (1849 01/23/96)~~

- (76) OPERATOR'S LICENSE. All applications for an operator's license shall be filed in the office of the City Clerk. Each application shall be accompanied by the required license fee. Applications for operator's license shall be reviewed and considered in accordance with Subs. (4) above. A regular operator's license shall be valid for a period of not more two years and shall

expire on June 30. A conditional operator's license issued pursuant to the Current Standards Regarding Issuance of Bartender's Licenses established by the Common Council shall be valid for a period of one year and shall expire on June 30. All applications shall be filed on or before June 15, provided that nothing shall prevent the ~~City Administrator or the~~ Council from granting any licenses that are applied for at any other time for a fraction of the license period if the required license fee is paid. (1773 11/08/94, 2096 09/24/02)

~~(7) LICENSES REQUIRED. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.~~

(8) ~~QUALIFICATIONS FOR LICENSES AND PERMITS. The City incorporates the qualifications and eligibility criteria for licenses as provided for in §125.04, Wis. Stat., and §12.01, City Code.~~

~~(a) Natural Persons. Licenses related to alcohol beverages, issued to natural persons under this section, may be issued only to persons who:~~

- ~~1. Do not have an arrest or conviction record, subject to §§111.321, 111.322 and 111.335, Wis. Stats.~~
- ~~2. Have been residents of this State continuously for at least ninety (90) days prior to the date of the application. (2159 07/27/04)~~
- ~~3. Have attained the legal drinking age except an operator's license may be issued to applicants who have attained the age of 17. (1477 11/17/97, 1477 12/17/97)~~
- ~~4. Are free from all infectious or contagious diseases and the City may require the applicant to produce a written certification of such fact by a duly licensed medical physician. (1469 05/12/87)~~
- ~~5. Have submitted proof that the person to whom such license is to be issued is the holder of a seller's permit under Ch. 77 of the Wisconsin Statutes or the City has been informed by an employee of the Wisconsin Department of Revenue that the Department will issue a seller's permit to the applicant. (1741 05/31/94)~~
- ~~6. Have successfully completed within the two years prior to the date of application a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the Board of Vocational, Technical and Adult Education or a comparable training course that is approved by the Wisconsin Department of Revenue or the Educational Approval Board, unless the applicant held within the past two~~

~~years, a Class "A", or "Class A" or "Class C" license, or a Class "B" or "Class B" license or permit or a manager's or operator's license. (1741-05/31/94)~~

~~(b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to §§111.321, 111.322 and 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.~~

~~(c) Corporations and Limited Liability Companies. No license or permit may be issued to any corporation or limited liability company unless the corporation or limited liability company meets the qualifications under pars. (a) 1 and 5 and (b) above and unless the agent of the corporation or limited liability company and the officers and directors of the corporation or the members or managers of the limited liability company meet the requirements under pars. (a) 1 and 3 and (b) above, and unless the agent of the corporation or limited liability company meets the qualifications under pars. (a) 2, 4 and 6. (1741-05/31/94, 1863 04/16/96)~~

~~(d) Operators' Licenses. Paragraph (a)2. above does not apply to applicants for operators' licenses.~~

(9) LIQUOR LICENSE QUOTAS.

- (a) "Class B" Liquor License Quota. The number of retail "Class B" liquor licenses issued under this section is limited as provided in §125.51(4), Wis. Stats.
- (b) "Class A" Liquor License Quota. The number of "Class A" liquor licenses issued under this section is limited to one license for each 1,500 population of the City.

(10) LICENSE CONDITIONS AND RESTRICTIONS. In addition to the conditions and restrictions imposed by State law on the granting of a retail "Class A," "Class B," Class "B", Class "A", or "Class C" alcohol beverage license, the following conditions and restrictions shall apply: (1970 04/21/99)

- (a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.
- (b) Violation by Agents or Employees. A violation of this section by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.
- (c) Sales to Underage Persons Prohibited. No alcohol beverages shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (d) Sales by Clubs. No club licensed under §125.51(3)(e), Wis. Stats., shall sell alcohol beverages except to members and guests invited by members.

- (e) Cessation of Operations. If any licensee shall suspend or cease doing business for 6 consecutive months or more, his "Class A" retail liquor license or his "Class B" intoxicating liquor license or his
—Class "B" fermented malt beverage license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 6-month period.
- (f) Transfer of License. No license shall be transferable from person to person except as provided by §125.04(12)(b), Wis. Stats., or from place to place, except as provided in §125.04(12)(a), Wis. Stats.
- (g) Location of Premises Restricted. No ~~Retail~~ "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises licensed prior to June 30, 1947, or licensed prior to the location of the institutions enumerated above.
- (h) Safety and Health Requirements. No ~~"retail"~~ "Class B" license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also conform to all ordinances and regulations of the City.
- (i) Employment of Underage Persons. No ~~retail~~ "Class B" licensee shall employ any underage person, but this shall not apply to hotels, restaurants or grocery stores.
- (j) Clear View of Premises Required. No premises licensed for sale of alcohol beverages shall permit the view of the interior to be substantially obstructed from the street or sidewalk by the use of curtains, blinds, screens, posters, advertising signage, lighting, or in any other manner. The premises shall be properly and adequately lighted during the hours in which the sale of alcohol beverages is permitted. (2232 08/08/2006)
- (k) Disorderly Conduct and Gambling Prohibited. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.
- (l) Wearing Apparel. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:
 - 1. The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts below the top of the areola at all times. The lower portion of such costume,

—uniform or attire must be of nontransparent material and completely cover the person's pubic genitals and the buttocks at all times.

2. The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubis area, genitals and buttocks at all times.

(m) Nude Dancing in Licensed Establishments Prohibited. (1970 04/21/99)

1. ~~FINDINGS: See original ordinance No. 1970 for findings by City Council.~~

It shall be unlawful for any person to perform or engage in, or for any licensee or manager or agent of a licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

~~i.~~

~~ii.i.~~ Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; ~~and/or~~

~~iii.ii.~~ Shows any portion of the female breasts below a point immediately above the top of the areola; ~~and/or~~

~~iv.iii.~~ Shows the covered male genitals in a ~~discernible~~ discernible turgid state.

—2. The provisions of this subsection do not apply to the following licensed establishments: theaters, performing art centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

3. For the purposes of this subsection, the term "Licensed Establishment" means any establishment licensed by the Common Council of the City of Baraboo to sell alcohol beverages pursuant to Ch. 125, Wis. Stats., ~~and the~~ and the ~~The~~ term "Licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A" or "Class C" license granted by the Common Council of the City of Baraboo pursuant to Ch. 125, Wis. Stats.

(n) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in §15.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(o) Loud Noise Prohibited. No licensee shall permit or allow the use or operation of sound amplifying equipment on the licensed premises in such manner that the sound emanating from said equipment through any open window, open doorway or other opening of the licensed premises is unreasonably loud so as to disturb the peace and quiet of any

neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

(p) Leaving Premises With Open Container Prohibited. No licensee shall permit or allow any person to leave the licensed premises with an open container that contains any alcohol beverage.

(q) Premises to be Promptly Vacated at Closing Hour. No alcoholic beverage shall be sold or consumed upon any licensed premises after the official closing hour for said licensed premises, and said premises shall be promptly vacated at such closing hour by all persons except the owner and regular employees of the licensed premises except that a licensed premises whose principal business is the furnishing of some other commodity or service may remain open after the official closing hour solely for the furnishing of such other commodity or services, provided that all alcoholic beverages contained in such premises be placed in padlocked cases promptly at the closing hour and shall be kept padlocked during official closed hours. (1493 02/23/88)

(r) Unlawful to Deliver Off Premises. (1629 11/12/91) No retail alcohol beverage licensee or permittee shall deliver any alcohol beverage to the purchaser thereof at any location other than on the licensed premises, where "deliver" means the actual transfer of physical possession.

~~1. "Deliver" means the actual transfer of physical possession~~

~~2. No retail alcohol beverage licensee or permittee shall deliver any alcohol beverage to the purchaser thereof at any location other than on the licensed premise "Deliver" means the actual transfer of physical possession.~~

(s) Compliance wWith Code. No new or renewal licenses shall be issued for any premises with an outstanding violation of any applicable building, plumbing or electrical code or of any code relating to fire hazards or the prevention of fires. If any such violation exists, it shall be cause for withholding the license or renewal thereof until the necessary corrections have been made and certified by the building inspector or the fire chief and if such violations are not corrected within a reasonable time, the license may be denied. (1714 12/22/93):

(t) Assignment of Vacant or Surrendered Alcohol Licenses. The City of Baraboo shall use the following criteria and priority for the assignment of alcohol licenses that become vacant, are surrendered, or unused:

—1. In circumstances in which an alcohol license is surrendered, but where the premises are sold, leased, or will otherwise be used by a new business owner, the new business owner shall have first claim upon the surrendered license, regardless of whether there are other pending applications for an alcohol license.

~~2.~~ —2. In circumstances in which an alcohol license is vacant or surrendered, and the premises will not be used by a new business owner, the following criteria shall be applied:

~~ai.~~ If there are issued reserve licenses, the regular license shall be offered first to the owner of the oldest reserve license. If the license is not claimed, it shall then be offered to the next oldest reserve license, and so on, for as many reserve licenses as may be outstanding.

~~ii.~~ ~~b.~~ If the City holds only one remaining license (regular or reserve), such license shall only be assigned after review by the Administrative Committee and approval of the Council.² (2439 01/26/16)

(11) CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

(a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.

(b) Retail Class B Licenses. For consumption on the premises where sold, between the hours of 2:00 a.m. and 6:00 a.m. except on Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m.; on January 1, there are no closing hours. Between the hours of 12:00 midnight and 8:00 a.m. daily, no person may sell any packaged fermented malt beverage in the original package for consumption off the premises. Between the hours of 9:00 p.m. and 8:00 a.m. daily, no person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises. (1499 03/22/88, 1514 05/24/88)

(c) Reserved. (Repealed by Ord. 1500 03/22/88)

(d) Hotels and Restaurants. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, and bowling alleys and golf courses, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell intoxicating liquors or malt beverages during the closing hours stated in par. (c) above.

(e) Presence on Premises After Closing Hour Restricted.

1. Any person who is not an employee of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.

2. Any person, including, but not limited to, employees, licensees, owners or agents of a premises for which an alcohol beverage license has been issued, while on the licensed premises after closing, must be actively engaged in bona fide business activities and shall not consume alcohol beverages. (1864 04/16/96)

(f) Hours of Sale for Retail "Class A" Intoxicating Liquor License. No person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises between the hours of 9:00 p.m. and 6:00 a.m. daily.

- (g) Hours of Sale for Retail "Class A" Fermented Malt Beverage License. No person may sell any packaged fermented malt beverage in the original package for consumption off the premises between 12:00 midnight and 6:00 a.m. daily.
- (12) SALE OF INTOXICATING LIQUOR, FERMENTED MALT BEVERAGES AND WINE IN ORIGINAL PACKAGE. (1515 05/24/88; 2373 01/24/2012.)
- ~~(a) Sale Restrictions.~~ Pursuant to §125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which any "Class B" intoxicating liquor license or Class "B" fermented malt beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.
- (12M) ONLINE ORDERING AND CURBSIDE PICKUP OF ALCOHOL BEVERAGES. (XXXX XX/XX/19)
- (a) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining permission for an "Extension of Premises" from the Common Council, upon recommendation of the Administrative Committee, to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order, or
1. The licensed establishment shall file a detailed operation plan with their "Extension of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.
 2. Failure of licensee to provide a detailed operation plan with their "Extension of Premises" application shall result in the City Clerk not forwarding the "Extension of Premises" form to the Administrative Committee for consideration.
- (b) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.
1. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.
 2. The licensed operator must verify that the person placing the "Click and Collect" order is the same person picking up the order.
 3. The sale and delivery of "Click and Collect" purchases shall be made only by a licensed operator.

4. No alcohol sales are permitted if the purchaser fails to present valid photo identification.
 5. The "Click and Collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
- (c) Each "Click and Collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.
- (d) Each "Click and Collect" transaction must record and retain the following information for thirty (30) days:
1. The name of the purchaser.
 2. The type of identification card presented and the number and expiration date of that identification card.
 3. The purchaser's date of birth.
 4. The license plate of the vehicle into which the order is being loaded.
- (e) Pick-up of "Click and Collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.
- (f) There shall be a minimum four-(4) hour waiting period between order time and pick-up time.
- (g) Orders placed after 4:00 p.m. cannot be picked up until the following day.
- (h) If the "Click and Collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.
- (i) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.
- (j) The pick-up area for "Click and Collect" purchases shall be clearly defined with visible markings, signs, and/or barriers.
- (k) No events other than the delivery of "Click and Collect" orders shall be allowed on the expanded premises.
- ~~(b) Hours of Sale for Retail "Class A" Intoxicating Liquor License. No person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises between the hours of 9:00 p.m. and 6:00 a.m. daily.~~

~~(c) Hours of Sale for Retail "Class A" Fermented Malt Beverage License. No person may sell any packaged fermented malt beverage in the original package for consumption off the premises between 12:00 midnight and 6:00 a.m. daily.~~

(13) OUTDOOR ALCOHOL IN B-1 CENTRAL BUSINESS DISTRICTS. (2423 10/14/2014) The sale and consumption of alcohol outdoors in the B-1 Central Business District shall comply fully with the requirements of this section. All outdoor licensed premises must be applied for and approved as licensed premises.

(a) Sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise upon the sidewalk shall be regulated by the requirements of this section.

1. Use of the sidewalk shall comply with the requirements of §8.04, Ordinances, related to sidewalk use permits. The sidewalk premise must be contiguous to the licensed premise. An unimpeded minimum clearance of four (4') feet shall be maintained for pedestrian traffic upon the sidewalk.

2. The sidewalk shall be an approved premise for the licensee.

3. Alcohol shall only be served to patrons who are seated at tables. Customers shall not be allowed to congregate or stand, regardless of whether they are consuming alcohol.

4. Alcohol shall only be served to patrons in conjunction with an order of food.

5. The sidewalk use area shall be vacated by 10:00 PM.

6. No amplification of sound is allowed in the sidewalk area.

(b) Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be an approved premise for the licensee.

2. The approved premises shall be contiguous to the indoor premises.

3. The outdoor premise must be surrounded by a solid (so as to restrict the passing of alcohol outside the fence and to limit noise) structure fence six feet in height. Entry to the outdoor premise shall be restricted to entry from the building and not from a public way. However, for premises contiguous with the Baraboo River, only a three foot fence shall be required.

4. The outdoor premises shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.

5. All outdoor licensed premises shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.

6. The outdoor licensed premises shall only be used for serving food and permitted alcohol beverages and no part of said area shall be used for recreational activities, such as, for example, volleyball, horseshoes, darts, softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted.
7. Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be down-directed lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.

(13MA) OUTDOOR ALCOHOL IN B-3 HIGHWAY ORIENTED BUSINESS DISTRICTS (2489 04/24/2018). The sale and consumption of alcohol outdoors in the B-3 Highway Oriented Business District shall comply fully with the requirements of this section.

~~(e)(a)~~ Sidewalk sale and consumption. The sale and consumption of alcohol beverages upon the sidewalk is prohibited.

~~(d)(b)~~ Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be described in detail on the license application and must be on the same lot as the licensed indoor premises. Alcohol possession and consumption in any area of not described in detail on the license application is strictly prohibited.
2. The outdoor area must be surrounded by a fence which is (a) a minimum of three feet in height, (b) a minimum of 50 percent opaque (meaning the spaces between the pickets are equal to or less than the width of the pickets), and (c) maintained in a structurally sound and attractive manner.
3. Entry to the outdoor area shall be restricted to entry from the same lot as the licensed indoor premises and not from a public way.
4. The outdoor area shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.
5. The outdoor area shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.
6. The outdoor area may be used for recreational activities, such as, for example, volleyball, horseshoes, darts, and softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted, except with a special permit. However, no recreational activities shall be allowed on parcels that are contiguous with a residential zoning district. For purposes of determining contiguity, any parcel used by, or serving the business, including parking,

shall be considered a portion of the licensed business.

7. Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be down directed lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.

~~(e)(c)~~ Outdoor Musical Entertainment Permit. Entertainment in an outdoor licensed premise shall be allowed by special permit based upon the following requirements:

1. Musical Entertainment shall be allowed no more than four times per calendar year.
2. The requirements of subsection (c), supra, are met. However, amplification of voices and instruments shall be allowed so long as the entertainment does not violate §9.06(2), Ordinances, Loud and Unnecessary Noise.
3. All permits for Musical Entertainment shall be approved by the Chief of Police, who, in consultation with the Fire Inspector, may set additional specific requirements to be met prior to the issuance of a permit. Such restrictions shall be reasonably based upon the size of the premises, and the location of the premises in proximity to residential property.

- (14) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE. Restrictions. Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premise for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving, consumption of edibles or beverages or similar activities that normally constitute activities of a customer of the premises.

~~(b) Exceptions.~~ Paragraph (a) above shall not apply to:

1. ~~An underage person who is a resident, employee, lodger or boarder on the licensed premises.~~
2. ~~An underage person who enters a "Class A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.~~
3. ~~Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.~~
4. ~~Ski chalets, golf clubhouses, curling clubs and private tennis clubs.~~
5. ~~Licensed restaurants where the principal business is that of a restaurant.~~
6. ~~A person who is at least 14 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.~~

7. ~~An underage person who enters a Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Police Department of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or the licensed operator must be on the premises at all times.~~

8. ~~An underage person attending a visual or performing arts center, stadium, or grandstand with a fixed seating capacity exceeding center, stadium, or grandstand with a fixed seating capacity exceeding 500 persons, for purposes of attending a performance, when the center, stadium, or grandstand operator has requested that minors be allowed to be present and such request has been approved in writing by the Police Chief, based upon the consideration of factors such as whether the performance primarily appeals to an adult audience or an underage audience, the hours of the performance, and such other factors as the Chief may deem relevant. A denial of a request under this section may be appealed to the Administrative Committee for review. (2304-05/12/2009) as permitted by §125.07(3)(a)1-16, Wis. Stat.~~

(15) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES. ~~(a) Restrictions.~~ Pursuant to §125.07(4)(b), except as provided by §125.07(4) and (bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

~~(b) Exceptions.~~ An underage person may possess alcohol beverages if employed by any of the following:

1. A brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in §125.32(2) or §125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(16) REVOCATION OR SUSPENSION OF LICENSE. (2311 07/28/2009) Procedure. ~~Except as hereinafter provided,~~ The provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses ~~or permits~~ granted under this section, in addition to the following provisions:

(a) ~~Revocation or suspension proceedings may be initiated upon written complaint by the Mayor or Chief of Police or by the Council upon its own motion.~~

(b) ~~No violations of §12.02 may be considered under this Subsection unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this Subsection. (§125.12(1)(b)2, Stats.)~~

(c)(a) Summons. Upon the filing of the complaint, the Administrative Committee shall issue a summons, signed by the City Clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before

the Committee on a day and time and at a place named in the summons, not less than three (3) days and not more than ten (10) days from the date of issuance, and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Ch. 801, Wis. Stats., for service in civil actions in circuit court.

(d)(b) Procedure on Hearing.

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the Committee finds the allegations sufficient, the license shall be revoked. The Clerk shall give notice of the revocation to the person whose license is revoked.
2. The Administrative Committee shall serve as the hearing agency for the Common Council. The chair of the Committee or the chair's designee shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in §227.45, Wis. Stats., shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence.
3. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. All proceedings and testimony shall be recorded on tape and transcribed unless waived by both the complainant and licensee. If either party requests a stenographic recording and transcription, City staff shall make the necessary arrangements, but the expense shall be borne by the requesting party. The City Clerk shall mark and receive all exhibits admitted into the record.
4. Within twenty (20) days of the completion of the hearing, the Committee shall submit a report to the Common Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the Common Council should take with respect to the license. The Committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether the arguments shall be represented orally or in writing or both.
5. If the Common Council, after considering the Committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided below. If the Common Council rejects or modifies the report, the Common Council shall adopt appropriate findings of fact and conclusions of law. If the recommendation of the Administrative Committee is based upon a stipulation of the parties, the Common Council may accept or reject the recommendation by a simple majority vote. If the Common Council rejects the recommendation, the matter shall be referred back to the Committee for a full fact-

finding hearing. If the recommendation is based upon a full fact-finding hearing, the recommendation shall become the decision of the Common Council unless reversed or modified by a simple majority vote. No further evidence shall be allowed before the Common Council.

6. If the City Council, after considering the Committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to the report recommending suspension or revocation, the license shall be suspended for not less than three (3) days nor more than ninety (90) days or revoked, except that, if a complaint under §125.12(2)(a)4, Stats., is found to be true the license shall be revoked.
7. The decision of the Common Council shall be a final determination for purposes of judicial review. If the complaint is found to be true, the licensee shall pay to the City the actual cost of the proceedings.
8. The City Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
9. If the Common Council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the Common Council finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The Common Council or committee may require the complainant to provide security for such costs before issuing the summons under §3125.128-10(4)(a). (§125.12(2)(b)4, Stats.)

~~(e)(c)~~ Effect of Revocation. ~~When a license is revoked or suspended, the revocation shall be recorded by the City Clerk and no other license issued under this chapter shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of the revocation. See §125.12(2)(c), Wis. Stat.~~

~~(f)(d)~~ Judicial Review. ~~The action of the Common Council in granting or failing to grant, suspending or revoking any license, or the failure of the Common Council to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the city. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the Common Council in the manner provided in Chapter 801, Wis. Stats., for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The Common Council, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals. (See §125.12(2)(d) Stats.)~~

~~(g)~~(e) Nonrenewal of License. The Police Chief may, after investigation, commence an action before the Administrative Committee to hear evidence and make a recommendation to the Common Council that a license issued pursuant to this chapter not be renewed. The Chairperson shall, in writing, notify the licensee of the consideration of nonrenewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the nonrenewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for nonrenewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. In all other respects, the provisions of Subdivisions (c) and (d) shall apply.

~~(h)~~(f) Other Provisions. Any license issued pursuant to Chapter 12 of the Baraboo Code of Ordinances shall be subject to such further regulations and restrictions as may be imposed by the Common Council of the City of Baraboo by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations her/his license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this ordinance in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

~~(i)~~ Point Values for Alcohol Beverage Violations and Revocations and Suspensions.

~~(j)~~ Purpose and Definitions. The purpose of this subsection is to administratively interpret those portions of §12.02, Baraboo Code of Ordinances, relating to establishing an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.

~~(k)~~(g) Point Schedule. The scale of demerit points is listed according to the type of alcohol beverage violation. AThis demerit point system ~~is~~ shall be used to identify habitually troublesome license holders who have repeatedly violated state statutes and Baraboo Ordinances, for the purpose of recommending suspension or revocation of their alcohol beverage licenses. The scale of demerit points is listed according to the type of alcohol beverage violation.

2.1. Violations, How Calculated. In determining the accumulated demerit points against a license within twelve (12) months, the City shall use the date each violation was committed as the basis for the determination.

2. Formal Expression of Concern. In those instances in which a licensee has accumulated four (4) demerit points in a 12-month period as determined by the Police Chief, the Committee shall call before it the licensee for purposes of a formal expression of concern. If the licensee appears, no discussion of the alleged facts underlying the assessment of demerit points shall be permitted unless the licensee requests such discussion but only if the licensee is advised that any statements made by the licensee and/or her/his representatives regarding the alleged facts may be considered by the Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the formal expression of concern.

3. Suspension or Revocation of License. The Administrative Committee shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated seven (7) points in a twelve-month period as a result of court imposed convictions or who have had referred to it reports from the Police Chief which, if believed, would result in seven (7) demerit points in twelve (12) months.

~~i.~~

~~ii.i. Formal Expression of Concern. In those instances in which a licensee has accumulated four (4) demerit points in a 12 month period as determined by the Police Chief, the Committee shall call before it the licensee for purposes of a formal expression of concern. If the licensee appears, no discussion of the alleged facts underlying the assessment of demerit points shall be permitted unless the licensee requests such discussion but only if the licensee is advised that any statements made by the licensee and/or her/his representatives regarding the alleged facts may be considered by the Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the formal expression of concern.~~

- ~~i.~~ If the demerit point accumulation, calculated from the date of violation, meets or exceeds seven (7) points in a 12-month period, the Committee may suspend the license. If suspended, the suspension shall be for not less than three (3) days or more than ninety (90).

~~iii.ii.~~ If the demerit point accumulation, calculated from the date of violation, meets or exceeds 10 points in a 12-month period, the Committee may revoke the license. If the license is revoked, no other license shall be granted to such licensee for a period of twelve (12) months from the date of revocation.

~~3. This ordinance amendment shall apply only to violations that would trigger a formal expression of concern which occur after this ordinance is adopted.~~

4. Severability. The several terms and provisions of this section shall be deemed severable, and if any provision hereof or the application hereof to any person or circumstances is held invalid, the remainder of the section and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

5. Demerit Points: The following demerit points shall be issued for the offenses as shown:

| Code Section | Offense | Demerit Points |
|-------------------------------------|--------------------------------------|----------------|
| <u>§12.02(12M)</u> | <u>"Click and collect" violation</u> | <u>2</u> |
| §12.02(10)(c) | Traffic to underaged person | 2 |
| §12.02(1) adopting §125.07(2) Stats | Traffic to Intoxicated Person | 2 |
| §12.02(14) | Underaged person on premises | 1 |
| §12.02(10)(n) | Failure to post license | 1 |
| §12.02(10)(a) | Failure to allow premises inspection | 2 |
| §12.02(10)(o) | Noise violations | 1 |

| | | |
|-------------------------------------|---|---|
| §12.02(11)(b) | Sales/dispense after hours | 1 |
| §12.02(10)(q) | Open after hours | 1 |
| §12.02(10)(p) | Leaving with open container | 1 |
| §12.02(10)(k) | Gambling | 1 |
| §12.02(10)(j) | Unobstructed view violation | 1 |
| §12.02(10)(l) | Improper wearing apparel | 2 |
| §12.02(1) adopting §125.68(2) Stats | No licensed bartender on premises | 2 |
| §12.02(10)(k) | Disorderly Conduct | ½ |
| §12.02(8)(c) | No licensed agent | 2 |
| | Any other offense under Ch. 125 Statutes or Ch. 12, B Baraboo Ordinances | 1 |

(17) NONRENEWAL OF LICENSE. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the Council.

(18) ~~LIMITING CLASS "B" LICENSED PREMISES. (1613 06/25/04) No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:~~
~~(a) A hotel.~~
~~(b) A restaurant, whether or not it is part or located in any mercantile establishment.~~
~~(c) A combination grocery store and tavern.~~
~~(d) A combination sporting goods store and tavern.~~
~~(e) A combination novelty store and tavern.~~
~~(f) A bowling alley or recreation premises.~~
~~(g) A club, society or lodge that has been in existence for six months or~~
~~prior to the date of filing application for the Class "B" license or permit.~~ RESERVED.

(19) ENFORCEMENT. Any person violating any provision of this section ~~(12.02) or any provision relating to a license, a permit or on the license itself or who provides any false or inaccurate information on a written application~~ shall be subject to a penalty as provided in §25.04 of this code. Nothing in this sub-section shall in any way diminish the authority of the Common Council to suspend, revoke, or non-renew any license issued pursuant to this section for any violation of this section or grounds enumerated in this section or in Ch. 125 of Wisconsin Statutes. (2166 11/26/04)

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the _____ day of _____, 20____, and is recorded on page ____ of volume _____.

City Clerk:

NBO-3

The City of Baraboo, Wisconsin

Background: In November of 2018, the Common Council authorized the City Administrator to submit a request to the Wisconsin Records Board to adopt the newly created Wisconsin Municipal Records Schedule. This Schedule is written specifically for use by municipalities and authorizes a municipality to retain certain schedules for less time that would otherwise be allowable per law. It also authorizes the municipality to bypass notifying the Wisconsin Historical Society prior to the destruction of certain records.

The Wisconsin Public Records Board and State Historical Society have authorized the City to adopt and use the Wisconsin Municipal Records Schedule. To make the adoption formal, the City's record retention ordinance needs to be updated.

Fiscal Note: (check one) ☒ **Not Required** ☐ **Budgeted Expenditure** ☐ **Not Budgeted**
Comments:

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. Section 1.60 of the Baraboo Municipal Code is amended as follows:

1.60 **PUBLIC RECORDS RETENTION ORDINANCE.** (1818 06/27/95 - Certified copy of Ord. sent to Wis. Public Records and Forms Board on 07/10/95, XXXX XX/XX/19)

- (1) **PURPOSE.** The purpose of this Ordinance is to ~~establish a City of Baraboo Records Retention Schedule~~ adopt the Wisconsin Municipal Records Schedule and to authorize destruction of City records pursuant to the Schedule. ~~Record Legal~~ custodians may destroy a record prior to the time set forth in the Schedule only if such record has been photographically reproduced as an original record or converted to optical disc or electronic format pursuant to §16.61(57) Wis. Stats. Any record not covered by this ~~Ordinance~~ or by any State Statute or administrative regulation shall be retained seven (7) years.

- (2) **DEFINITIONS.**

- (a) "Legal Custodian" means the person responsible for maintaining records pursuant to §19.33 Wis. Stats.

- (b) "Record" has the meaning defined in §19.32(2), Wis. Stats.

- (c) "Wisconsin Municipal Records Schedule" or "Schedule" means the General Records Schedule for Wisconsin Municipal and Related Records approved by the Public Records Board on August 27, 2018, and which may be amended and updated by the Public Records Board from time to time.

- (3) WISCONSIN MUNICIPAL CITY RECORDS RETENTION SCHEDULE CREATED AND RECORDS SCHEDULE ADOPTED. The "Official City of Baraboo Records Retention Schedule dated April 3, 1995," Wisconsin Municipal Records Schedule is hereby adopted by reference. A copy of the Schedule shall be kept on file in the office of the City Clerk. The City Clerk shall keep a copy of the Schedule on file.
- (4) AMENDMENTS TO SCHEDULE. The Official City of Baraboo Records Retention Schedule dated April 3, 1995, is hereby amended as follows: 1927 01/13/98 RESERVED.
- (5) WATER UTILITY RECORDS. Records of the Baraboo Water Utility shall be retained in accordance with regulations established and published by the Public Service Commission of Wisconsin. (2033 11/14/2000)
- (6) NOTICE TO STATE HISTORICAL SOCIETY REQUIRED. Unless notice is waived by the State Historical Society of Wisconsin, at least 60 days-noticedays' notice shall be given by the Record-Legal Custodian to the Society prior to the destruction of any record as provided in §19.21(4)(a), Wis. Stats. Notice to the State Historical Society shall be required for any record not listed on the Wisconsin Municipal Records Schedule City's Official Records Retention Schedule.
- (7) PRESERVATION THROUGH MICROFILM OR OPTICAL IMAGING. Record Custodians may keep and preserve public records through the use of microfilm or optical imaging providing the microfilm or optical imaging meets the applicable standards contained in §16.61(7) and §16.61(2), Wis. Stats. After verification, records preserved by the use of microfilm or optical imaging shall be considered the original record for all purposes and any record converted to microfilm or optical imaging shall be destroyed. The retention periods identified in the Schedule shall apply to all City records in any media. RESERVED.
- (8) DESTRUCTION AFTER REQUEST FOR INSPECTION. No record subject to a pending public records request may be destroyed until after the request is granted or until 60 days after the request is denied. If any action is commenced under §19.37, Wis. Stats., the requested record may not be destroyed until after a Court Order is issued and all appeals have been completed as provided in §19.35(5), Wis. Stats.
- (9) DESTRUCTION PENDING LITIGATION. No record subject to pending litigation shall be destroyed until the litigation is resolved.
- (10) TAPE RECORDING. Any tape recording for, or on, behalf of the City may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published if the purpose of the recording was to take minutes of the meeting RESERVED.
- (11) PUBLIC RECORDS AND FORMS BOARD REVIEW. This The Public Records board approved the City's adoption of the Wisconsin Municipal Records Schedule on January 25, 2019, and by the Wisconsin Historical Society approved the City's

~~adoption of the Schedule on January 30, 2019. section and the retention periods established in the Official City Record Retention Schedule were reviewed and approved by the Public Records and Forms Board on May 17, 1995. Any amendments to this Ordinance or the Schedule shall be subject to review and approval by the Public Records and Forms Board to the extent required by State law.~~

~~**City Attorney Note:** The Wisconsin Municipal Records Manual is designed to assist public officials in Wisconsin's cities, villages, and towns in the administration of current public records and in the disposition of non-current materials. It provides an overview of records management practices and recommendations for the retention and disposition of public records.~~

~~The Wisconsin Municipal Records Manual is located on the State Historical Society Archives Division web site at www.wisconsinhistory.org/Content.aspx?d=Nav&N=429496382&R=4294963805&cdsRecordDetails=R:CS3806. A paper printout of the manual can be ordered at a cost of \$25 by contacting the Archives Reference Services, 816 State Street, Madison, WI 53706-1482.~~

2. This Ordinance shall take effect upon passage and publication as provided by law.

Mayor's Approval: _____
Clerk's Certification: _____

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the _____ day of _____, 20____, and is recorded on page _____ of volume _____.

City Clerk: _____

NBO-4

The City of Baraboo, Wisconsin

Background: The City's Plan Commission has worked over the past few months to draft an ordinance regulating pet stores. Currently there are no state or local regulations or conditions placed specifically on the operation of pet stores, although the general standards for the care of animals that exist in Chapter 12, Section 13, of the City's code do apply to pet stores.

The major points the Plan Commission wanted to address, and which are codified in the below proposed ordinance, are:

- Pet stores are allowed only in the City's B-3 (Highway Orientated Business) and I-4 (Planned Industrial/Business) zoned districts.
- The ordinance will NOT apply to a person or business that only sell animals for less than 30 days out of a 365-day period (*such as businesses that sell chicks only a few weeks out of the year, the sale of animals at the Sauk County Fair, or people who sell a litter of puppies or other animals only on occasion*).
- The ordinance will NOT apply to people or businesses that only sell fish bait.
- This ordinance will NOT apply to people or businesses that do not buy, sell, exchange or offer for sale animals (*such as adoption centers or humane societies*).
- Existing pet stores will have 60 days from the date this ordinance is passed to obtain a pet store license.
- The regulations are intended to:
 - Prevent the sale of puppy mill dogs and unhealthy animals by requiring pet stores keep and maintain records on the animals (*including veterinary records and records regarding where the pet store obtained the animal*).
 - Place a greater responsibility on pet stores to keep their animals in a clean, safe and healthy environment, by requiring pet stores be inspected by the City's Humane Officer prior to the license being issued and at other times as may be warranted.
 - Ensure animals are safe by prohibiting persons with a history of animal abuse from operating a pet store.

Given the steps that will be involved for processing a pet store license, including the City's Humane Officer physically inspecting the pet store prior to the license or renewal license being issued, it is recommend Council place the license fee at \$75.00.

The Plan Commission unanimously recommended the Council approve the below proposed ordinance at its June 18, 2019 meeting.

Fiscal Note: (check one) ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted
Comments:

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. Section 12.13(M), Regulation and Licensing of Pet Stores, is hereby created and adopted as follows:

§12.13(M) REGULATION AND LICENSING OF PET STORES. (XXXX, 7/9/19)

- (1) DEFINITIONS. As used in this Section, the following words and phrases shall have the following meanings:
 - (a) “Bait shop” means any place kept or maintained where the only animals bought, sold, exchanged or offered for sale are animals commonly used as fish bait, including, but not limited to, worms, baitfish, crickets, snails and leeches.
 - (b) “Existing pet store” means any pet store existing on the effective date of this Section.
 - (c) “Person” has the meaning found in §25.01(3), City Code.
 - (d) “Pet store” includes every place kept or maintained where any dog, cat, rabbit, rodent, insect, reptile or bird is bought, sold, exchanged, or offered for sale to the public, unless the activity occurs less than 30 days, consecutive or non-consecutive, out of any 365-day period. Excluded from this definition are bait shops and places that buy, sell, exchange or offer for sale fish. Pet stores are allowed only in the following zoning districts: B-3 Highway-Oriented Business and I-4 Planned Industrial/Business Districts.
 - (e) “USDA” means the United States Department of Agriculture.
- (2) LICENSE REQUIRED.
 - (a) No person shall operate a pet store unless the person holds a valid Pet Store License issued by the City Clerk.
 - (b) A written application for initial and renewal licenses shall be filed with the City Clerk and must contain:
 - i. The name and address of the applicant,
 - ii. The location of the pet store, and
 - iii. Other information as may be lawfully required by the Clerk.
 - (c) New and renewal license applications shall be reviewed by the City Clerk, Chief of Police, City Humane Officer and City Zoning Administrator or their respective designees. Licenses will be denied:
 - i. If the location of the pet store is not within a permitted zoning district,
 - ii. If the applicant has a conviction for animal abuse, neglect or cruelty, or for an offense under Ch. 951, Wis. Stat., or any comparable state or federal law,
 - iii. If City Humane Officer is not permitted by the applicant to inspect the premises to ensure compliance with this ordinance,
 - iv. If the City Humane Officer finds that the premises is not in conformity with this ordinance, and/or
 - v. Pursuant to §12.01(11), City Code.
 - (d) The license term shall be from July 1 to June 30. Licensees may apply for a renewal license no sooner than three months prior to the license expiration date and no later than five days prior to the license expiration date.
 - (e) The license fee shall be as stated in the Official Fee Schedule for the City of Baraboo. Payment of the fee is required prior to the City’s review of the application. Refunds and prorated fees are not be permitted.

- (f) Existing pet stores shall have 60 days after the date that this law has been passed to apply for a license.

(3) OPERATIONS.

- (a) Pet stores are prohibited from buying, selling, exchanging or offering for sale, adoption or gift any animal other than dogs, cats, rabbits, rodents, insects, reptiles, birds and fish, and are further prohibited owning, keeping, maintaining, harboring or having possession or control of any prohibited animal as per §9.10, City Code
- (b) Pet stores shall be operated in accordance with the requirements set forth in §12.13, City Code, and shall at all times be maintained in a clean and sanitary manner including the animals having at all times adequate food, water, bedding, light and ventilation.
- (c) Every person keeping or maintaining a pet store shall do so entirely within a closed building and shall not keep or maintain any outside kennel service.
- (d) All animals shall be displayed in a healthy condition or, if ill, removed from display and given appropriate treatment.
- (e) Pet stores shall ensure that all dogs and cats they obtain are from dealers properly licensed by the USDA, when applicable, and must keep a copy of the dealer's federal identification number for a minimum of two years after the pet store receives the dog or cat.
- (f) Pet stores shall deliver in writing to the recipient of a dog or cat at the time of the exchange the following information:
 - i. The breeder's name and address and, if the person is a dealer licensed by the USDA, the dealer's name, address and federal dealer identification number.
 - ii. The date of the dog or cat's birth and the date the pet store received the dog or cat.
 - iii. The breed, sex, color and identifying marks of the dog or cat.
 - iv. A record of each inoculation and worming treatment administered, if any, to the dog or cat, including the date of administration and the type of vaccine or worming treatment.
 - v. A record of veterinarian treatment or medication received by the dog or cat while in the possession of the pet store.
 - vi. A document signed by a veterinarian licensed in the State of Wisconsin stating (a) that the dog or cat has no known disease or illness, and that the dog or cat has no known congenital or hereditary condition that adversely affects the health of the dog or cat at the time of the exchange or that is likely to adversely affect the health of the dog or cat in the future; or (b) describing any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat, or that is likely to adversely affect the health of the dog or cat in the future.
- (g) Pet stores shall retain a copy of all records required herein for a period not less than two years after the sale or exchange of a live animal and shall make the copy available for inspection by a humane officer or law enforcement officer during business hours.
- (f) Every person keeping, maintaining or working in or for a pet store is prohibited from selling, exchanging or offering for sale, adoption or as a gift any animal to any person if the person reasonably believes that the animal will be used for any unlawful purpose including, but not limited to, dog fighting.

(4) SUSPENSION AND REVOCATION OF LICENSE.

- (a) If a licensee or pet store has two violations of this ordinance within any 12-month period, or five violations within any 36-month period, or if the licensee is convicted of an offense under Ch. 951, Wis. Stats., or any comparable statute or code, the City Clerk shall revoke the license 10-business days after the service of a Notice of Revocation on the licensee by the City Clerk.
- i. The Notice of Revocation shall be deemed served on the day of mailing when sent by certified mail or if personally served. Service shall be made to the licensee at the address provided by the licensee on the license application.
 - ii. The licensee may appeal of the revocation by providing the City Clerk a notice of appeal on or before the date of revocation; the revocation shall be stayed pending the outcome of the appeal. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting, or may call a special meeting, and make a final determination on the revocation based on whether there are clear and convincing violations of this ordinance and/or convictions as required herein.
 - iii. For purposes of this section, a "violation" need not result in a conviction so long as the City Humane Officer or designee is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

(b) A license may be suspended or revoked in accordance with §12.01(10), City Code.

- (5) DENIALS AND NON-RENEWALS. The denial or revocation of a license shall not preclude an applicant from applying for a license at any time in the future, although no applicant may apply more than twice during any 12-month period.

2. The Appendix to Chapter 1 of the Baraboo Municipal Code, the City's Official Fee Schedule, be amended as follows:

CLERK FEES:

| | | |
|---------------------------------|---------|--------------|
| <u>Pet Store License</u> | | |
| Initial | \$75.00 | XXXX, 7/9/19 |
| Renewal | \$75.00 | |

3. This Ordinance shall take effect upon passage and publication as provided by law.

Mayor's Approval: _____
Clerk's Certification: _____

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the ____ day of _____, 20__, and is recorded on page ____ of volume ____.

City Clerk: _____

REPORT OF BUILDING INSPECTION
Construction, Plumbing, Electrical, HVAC, Commercial
JUNE

| PERMIT TYPE | 2018 | | | | | | 2019 | | | | | |
|-------------------------------|-----------|------------|---------------------|-----------------------|-------------------|--------------------|-----------|------------|-----------------------|-----------------------|-------------------|--------------------|
| | ISSUED | YTD | EST COST | YTD | FEES | YTD | ISSUED | YTD | EST COST | YTD | FEES | YTD |
| Commercial, New | 0 | 1 | \$0.00 | \$800,000.00 | \$0.00 | \$2,272.63 | 0 | 1 | \$0.00 | \$960,000.00 | \$0.00 | \$2,806.06 |
| Commercial Addition | 0 | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 1 | 2 | \$54,000.00 | \$122,000.00 | \$220.00 | \$786.20 |
| Commercial, Alterations | 1 | 12 | \$70,000.00 | \$777,357.00 | \$3,854.20 | \$6,610.25 | 2 | 17 | \$65,000.00 | \$810,302.00 | \$470.00 | \$5,445.24 |
| Commercial, Razing | 0 | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0 | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Residential , New SF | 1 | 5 | \$140,000.00 | \$877,000.00 | \$845.62 | \$4,121.73 | 2 | 3 | \$340,000.00 | \$861,000.00 | \$1,667.56 | \$2,991.22 |
| Residential, New Duplex | 0 | 2 | \$0.00 | \$5,000.00 | \$0.00 | \$2,018.24 | 0 | 1 | \$0.00 | \$250,000.00 | \$0.00 | \$1,096.30 |
| Residential, Additions | 1 | 4 | \$20,000.00 | \$83,500.00 | \$220.00 | \$544.32 | 2 | 3 | \$68,000.00 | \$97,750.00 | \$277.97 | \$377.97 |
| Residential Remodel | 1 | 10 | \$25,000.00 | \$322,850.00 | \$75.00 | \$1,559.56 | 7 | 27 | \$232,000.00 | \$421,508.00 | \$944.51 | \$2,621.17 |
| Residential, Accessory Razing | 1 | 2 | \$0.00 | \$0.00 | \$30.00 | \$60.00 | 0 | 1 | \$0.00 | \$0.00 | \$0.00 | \$30.00 |
| Residential Dwelling Razing | 0 | 1 | \$0.00 | \$0.00 | \$0.00 | \$30.00 | 0 | 1 | \$0.00 | \$0.00 | \$0.00 | \$30.00 |
| Roofing/Siding/Windows | 28 | 60 | \$264,215.00 | \$520,915.00 | \$1,647.00 | \$4,095.00 | 18 | 97 | \$185,311.00 | \$1,281,203.00 | \$1,182.00 | \$7,736.00 |
| Garage/Sheds/Deck/Fence | 9 | 20 | \$44,120.00 | \$115,620.00 | \$555.00 | \$1,305.00 | 12 | 31 | \$75,050.00 | \$161,600.00 | \$900.00 | \$2,175.00 |
| Multi-Family Units | 0 | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0 | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Plumbing Only | 1 | 1 | \$7,622.00 | \$7,622.00 | \$60.00 | \$60.00 | 0 | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Electrical Only | 2 | 15 | \$8,775.00 | \$87,529.00 | \$160.00 | \$1,160.00 | 3 | 23 | \$3,000.00 | \$50,244.00 | \$220.00 | \$368.00 |
| HVAC Only | 0 | 2 | \$0.00 | \$7,602.00 | \$0.00 | \$120.00 | 0 | 1 | \$0.00 | \$5,700.00 | \$0.00 | \$60.00 |
| Sign Permits | 1 | 9 | \$3,000.00 | \$27,000.00 | \$60.00 | \$870.00 | 2 | 11 | \$3,000.00 | \$16,500.00 | \$120.00 | \$810.00 |
| Misc. Permits | 0 | 5 | \$0.00 | \$70,000.00 | \$0.00 | \$210.00 | 2 | 3 | \$0.00 | \$20,000.00 | \$210.00 | \$270.00 |
| TOTALS | 46 | 149 | \$582,732.00 | \$3,701,995.00 | \$7,506.82 | \$25,036.73 | 51 | 222 | \$1,025,361.00 | \$5,057,807.00 | \$6,212.04 | \$27,603.16 |

Members Present: Petty, Thurow, Sloan

Absent:

Others Present: Mayor Palm, E. Truman, B. Zeman, C. Haggard

Call to Order –Ald. Petty called the meeting to order at 6:30 p.m. noting compliance with the Open Meeting Law. Moved by Sloan, seconded by Thurow to approve the minutes of June 11, 2019 and carried unanimously. Moved by Sloan, seconded by Thurow to approve the agenda. Motion carried unanimously.

Action Items

- a) **Accounts Payable** – Moved by Sloan seconded by Thurow to recommend to Council for approval of the accounts payable for **\$219,854.23**. Motion carried unanimously.
- b) **Writing off Uncollectible Accounts** - The committee reviewed the list of uncollectible accounts indicating \$58.69 of personal property accounts, \$785.34 of accounts receivable, and \$704.68 of CDA accounts receivable. Moved by Sloan, seconded by Thurow to recommend to Council for approval. Motion carried unanimously.

Informational Items

- a) City Attorney's report on insurance claims
 - o Claim Denial – Dorothy Schuetz requested \$500 for damages to vehicle due to alleged pothole.
- b) Atty. Truman explained that the City is currently interested in obtaining RFP or RFQ for agenda and minutes management services. After a brief explanation of what these services could include, the committee agrees that Atty. Truman will move forward with this.

Adjournment – Moved by Sloan, seconded by Thurow and carried to adjourn at 6:14pm.
Brenda Zeman, City Clerk

**MINUTES of the BARABOO BUSINESS IMPROVEMENT DISTRICT (BID)
BOARD OF DIRECTOR'S MEETING**

June 19, 2019

Members Present: S. Fay, N. Marklein Bacher, H. Kierzek, S. Byberg, T. Sloan, S. Brunker

Members Absent: B. Stelling, T. Wickus

Others Noticed: Ed Geick

Call to Order: Sarah Fay presided over the meeting, called it to order at 5:45 PM and noted compliance with the Open Meeting Law.

Meeting Minutes:

Moved by Byberg, seconded by Sloan and unanimously carried to approve the minutes of May 15, 2019.

Agenda: Moved by Kierzek, seconded by Brunker and unanimously carried to approve the agenda as published.

Reports of Officers and Committies

- Parking – Landscape Techniques will be handling weeds in parking lots.

New Business:

- Bylaws have not been updated since 2012. We will review them and discuss at next meeting.

- Vouchers:

| | | |
|---------------------------------------|----|----------|
| Nei-Turner Media Group Brava Magazine | \$ | 1,085.00 |
| Capital Newspapers | | 525.00 |
| Kriete – Benches | | 1,200.00 |
| Baker Tilly – Audit (on hold for now) | | |

| | | |
|---------------|-----------|-----------------|
| TOTAL: | \$ | 2,810.00 |
|---------------|-----------|-----------------|

Moved by Sloan, seconded by Byberg to approve vouchers and unanimously carried.

Correspondence & Announcements:

1. **Next Meeting:** Wednesday, July 17, 2019 at 5:45pm, Committee Room #205.

Adjournment: Moved by Sloan, seconded by Kierzek to adjourn at approximately 5:54 p.m.

Respectfully submitted, Nicole Bacher

Baraboo Economic Development Commission

Meeting Minutes

June 6, 2019

I. Call to Meeting to Order and Note Compliance with Open Meeting Law

Chair Jim Bowers called the meeting to order at 5:00 PM at the Sauk County Law Enforcement Center, 1300 Lange Court, Baraboo, WI. The meeting was noticed in conformance with Wisconsin State Statutes regarding open meetings.

II. Roll Call

Present: Bowers, Ayar (6:25), Caflisch, Johnson, Palm, Reppen, Ryan, Taylor, Wastlund, White

Absent: Alt, Manson

Other: Patrick Cannon

III. Approve Agenda

Motion to approve the agenda as presented

Taylor (1); Johnson (2)

Aye: All via voice vote

Nay: None

IV. Approve Minutes

Motion to approve the minutes for May 2, 2019

White (1); Caflisch (2)

Aye: All via voice vote

Nay: None

V. Public Comment

No one from the public wished to speak at this time.

Introduction of Mr. Greg Manson as a new BEDC member - Mr. Manson was unable to attend this meeting

Presentation and facility tour by Sheriff Chip Meister.

Sheriff Meister provided a background on the current facility and the number of inmates that they are permitted to house at one time. He also indicated that the Sheriff's department has 131 employees.

The employees are in two groups. One group is the patrol and the other at the jail facility.

The jail facility has several areas based upon the mental functions, gender and seriousness of the offense. Each inmate has a very strict procedure to be housed at the facility. The jail division also has a Huber Section in which inmates are permitted to leave for work purposes.

Sheriff Meister indicated that drugs and drug related crimes are one of the major problems facing Sauk County and the entire region. The other major problem is human trafficking. With the close proximity to the interstate highway system and the Wisconsin Dells tourism traffic, this problem continues to grow.

VI. Old Business

a. Updates on Development Activities

Mayor Palm indicated that the Wisconsin League of Municipalities recently aired a film clips regarding the poor condition of the roads in the area. He also indicated that a recent Senate proposal was to use one time funding for road repairs, but none of the funds were to be made available to Cities of Villages.

The Mayor also indicated that the City is in the process of hiring a consultant to serve as the facilitator for the hiring of the City Administrator position. Also, the City Council will be holding a goal setting session on July 10, 2019.

It was also noted that over 100 people attended the city Council meeting requesting that the Library project be accelerated in the Capital Projects plan.

b. Updates from Plan Commission and Council

These updates were included under the Development Activities.

c. Update from economic development partners and collaborators

- Ms. Caflisch indicated that the Balanced Rock Winery will be open soon. She also indicated that a new Ice Cream facility has opened in downtown Baraboo.
- Mr. White continued to stress the housing needs in Sauk County.
- Ms. Ryan indicated that a group she is affiliated with is now called “power Up” They are working on renewable energy programs with the middle schools.

VII. New Business

a. Election of BEDC officers

1. Chair

Nomination of John Alt to serve as the Chair
Palm (1)

Motion to close nomination and unanimously elect John Alt as the Chair
Palm (1)
Aye: All (via voice vote)
Nay: None

1. Vice-Chair

Nomination of Jim Bowers to serve as the Vice- Chair
Wastlund (1)

Motion to close nomination and unanimously elect Jim Bowers as the Vice-Chair
Palm (1)
Aye: All (via voice vote)
Nay: None

1. Secretary

Nomination of Musa Ayar to serve as the Secretary
White (1)

Motion to close nomination and unanimously elect Musa Ayar as the Secretary
Palm (1)
Aye: All (via voice vote)
Nay: None

b. Consideration and discussion of changing the date/time for the July, 2019 meeting

It was noted that the next regular meeting of BEDC is set for July 4, 2019. After considerable discussion the Commission felt that they should cancel the July meeting and therefore the next meeting will be in August.

Motion:

To cancel the July, 2019 BEDC meeting and hold the next BEDC meeting on August 1, 2019
Palm (1); Taylor (2)
Aye: All via voice vote
Nay: None

VII. Update Partner Presentation Schedule

No updates were provided.

VIII. Commissioner and City Staff comments

No member wished to make a comment

IX. Adjournment

Motion to adjourn the meeting was made at 6:57 pm.

White (1); Caflisch (2)

Aye: All via voice vote

Nay: None

Jim Bowers
Chairperson

Patrick Cannon
Recorder

Minutes

Baraboo District Ambulance Commission Finance Ad Hoc Committee

Call to Order & Roll Call

- The May 22, 2019 meeting of the Ad Hoc Committee was called to order by Meier at 6:45 pm.
- Committee members present: Meier, Petty, and Puttkamer. Also present: Dahlke, Otto, Sechler, Snow, Sloan, Turnquist
- Meier confirmed that the meeting had been posted in compliance with the Open Meeting Law.
- The agenda was adopted with a motion made by Petty, seconded by Puttkamer. Voice vote, all ayes. Motion carried.

Approval of Previous Minutes

- A motion to approve the April 17, 2019 minutes was made by Puttkamer, seconded by Petty. Voice vote, all ayes. Motion carried.

Public Invited to Speak

- No public comments.

Appearances / Announcements / Correspondence / Reports

- None

New Business

1. Approve check details and online payments for April 7, 2019 – May 11, 2019 in the amount of \$110,449.34.
A motion to approve as presented was made by Puttkamer, seconded by Petty. Voice vote, all ayes. Motion carried.
2. Approve write-offs in the amount of: \$40,349.16.
A motion to approve as presented was made by Petty, seconded by Puttkamer. Voice vote, all ayes. Motion carried.

Additional Comments & Future Agenda Item

- None

Adjournment

There being no further business to come before the Committee, a motion to adjourn was made by Puttkamer, seconded by Petty. Voice vote, motion carried at 6:51 pm.

Respectfully submitted,

Dana Sechler, Chief / EMS Director
Baraboo District Ambulance Service

Minutes

Baraboo District Ambulance Commission

Call to Order & Roll Call

- The May 22, 2019 meeting of the Baraboo District Ambulance Service Commission was called to order by Dahlke at 7:00 pm.
- Commissioners present: Dave Dahlke, Erik Larson, Robin Meier, Darlene Otto, Joel Petty, Randy Puttkamer, Scott Sloan, Tim Stieve, Terry Turnquist, and Phil Wedekind
- Also present were: Attorney Maffei, Chief Sechler, Deputy Chief Rago, Captain Johnson, Snow, and Vande Hei
- Dahlke confirmed that the meeting had been posted in compliance with the Open Meeting Law.
- The agenda was adopted with a motion made by Puttkamer, seconded by Sloan. Voice vote, all ayes. Motion carried.

Approval of Previous Minutes

- A motion to approve the April 17, 2019 minutes was made by Wedekind, seconded by Petty. Voice vote, all ayes. Motion carried.

Public Invited to Speak

- None

Appearances/Announcements/Correspondence

- None

Reports

1. Legal Counsel Report – No report.
2. Treasurer's Report – Meier compared the Financials from this time period with the Financials from the same time period in 2018. She stated that the income is down, and A/R is up.
3. President's Report – No report.
4. Chief's Report – Sechler reviewed the written report that was submitted in the Commission packet.

Consent Agenda

1. Approve check details and online payments for April 7, 2019 – May 11, 2019 in the amount of \$110,449.34.
2. Approve write-offs in the amount of \$43,349.16.
A motion to approve as presented was made by Larson seconded by Meier. Voice vote, all ayes. Motion carried.

New Business

1. The Election of Officers
 - a. President – nomination by Puttkamer, seconded by Petty for Dahlke. Motion by Sloan to close nominations, seconded by Larson. Voice vote, all ayes. Motion carried.
 - b. Vice-President - nomination by Petty, seconded by Sloan for Puttkamer. Motion by Sloan to close nominations, seconded by Otto. Voice vote, all ayes. Motion carried.
 - c. Secretary - nomination by Larson, seconded by Puttkamer for Sloan. Motion by Meier to close nominations, seconded by Otto. Voice vote, all ayes. Motion carried.
 - d. Treasurer - nomination by Petty, seconded by Larson for Meier. Motion by Sloan to close nominations, seconded by Stieve. Voice vote, all ayes. Motion carried.

Minutes
Baraboo District Ambulance Commission

Motion by Sloan, seconded by Petty to approve the slate as indicated. Voice vote, all ayes. Motion carried.

2. President Dahlke appointed the following individuals to the Finance ad hoc committee:
Meier, Petty, and Puttkamer
3. Appointment of representatives to the ad hoc Building committee, being organized by the City of Baraboo. Motioned by Sloan, and seconded by Wedekind that Tim Stieve and Chief Sechler be named as the representatives for the ad hoc Fire/EMS Building Committee that the City of Baraboo mayor is establishing. Voice vote, all ayes. Motion carried.
4. Sechler and Maffei presented the amendment to the SSM – Ambulance Services Agreement. After discussion, a motion to approve the contract was made by Sloan seconded by Stieve. Voice vote, all ayes. Motion carried.
5. Sechler presented the NIMS policy needed for the AFG award compliancy. After discussion, a motion to approve the NIMS policy was made by Stieve seconded by Puttkamer. Voice vote, all ayes. Motion carried.

Commissioner Comments & Future Agenda Items

- Turnquist commented on the proposed new Fire / EMS station that is being considered. He stated that the Baraboo EMS costs / share of the future facility should not exceed the current expenses related to what Baraboo EMS is currently paying for the existing buildings.
- Please mark your calendars for the next Commission meetings, which will be the following:
 - June 26, 2019
 - July 24, 2019

Adjournment

- Motion to adjourn by Wedekind, seconded by Petty at 7:35 pm. Voice vote, all ayes. Motion carried.

Respectfully Submitted,

Dana Sechler, Chief / EMS Director
Baraboo District Ambulance Service

Minutes of the Public Safety Committee Meeting – June 10, 2019

Members Present: Phil Wedekind, Tom Kolb, and Mike Plautz. **Others Present:** Tom Pinion, Administrator Geick, Police Chief Mark Schauf, Fire Chief Kevin Stieve, Mark Willer, and Tony Gilman.

Call to Order - Committee Chairman Phil Wedekind called the meeting to order at 1:00 P.M. at Baraboo City Service Center. Compliance with the Open Meeting Law was noted. It was moved by Kolb, seconded by Plautz to approve the agenda as posted. Motion carried unanimously. It was moved by Plautz, seconded by Kolb to approve the minutes of the April 29, 2019 meeting. Motion carried unanimously.

New Business

- a. Review proposed location and width of new sidewalk on the east side of the 1700 Block of Elizabeth Street between 15th and 16th Streets – Pinion said that this is in conjunction with notifying citizens of the City's intent to levy special assessments for public improvements. He said all property owners has asked for a little leeway to way the sidewalk is located relative to the curb line and narrowed up to 4-feet which is consistent with everything south. After a brief discussion, it was moved by Kolb that 4-foot sidewalks be installed on the east side of the 1700 Block of Elizabeth Street between 15th and 16th Streets. Plautz seconded the motion. Motion carried unanimously.
- b. Review proposed new sidewalk on the northeast side of Lake Street between South Street and Cherry Lane – Pinion presented this subject to the Committee via overhead video. After a brief discussion, it was moved by Kolb, seconded by Plautz that no sidewalk would be installed on the northeast side of Lake Street, between South Street and Cherry Lane. Motion carried unanimously.
- c. Review options to install storm sewer along the alley between Elizabeth and Camp Streets, from 2nd Street to 4th Street, to a public alley right-of-way and discuss the scope of a future alley reconstruction project – Pinion presented the background to the Committee. He said Option 1 provides a solution in the new alley right-of-way. Option 2 would require a drainage easement from at least a couple of the property owners. He said that given the topography and the elevation of the existing storm sewers around the perimeter of this block, the opportunity to design and construct a conventional storm sewer is limited; however, in the spirit of something is better than nothing is. He that the existing situation can be improved with the installation of small diameter perforated drainage tile with an area drain at the existing low points, as opposed to storm sewer with traditional catch basins or inlets. Pinion said that the cost of both options is approximately the same at \$21,500. Kolb asked from an Engineering standpoint, which option was the most effective to keep the area drained. Pinion said that it would be a horse apiece; he said the one from the south with the 12" concrete pipe is going to have a longer life expectancy than plastic perforated pipe. It was felt that the stormwater utility should pay for the expense. Pinion said that he would investigate monies available, if the project cannot be done this year, it will be scheduled for next year. It was stated that property owners would be notified that this work would be proposed in 2020.
- d. Review proposed alley reconstruction projects for 2019 – Pinion presented the list of the proposed alleys to be reconstructed this year to the Committee, with the PASER Rating of existing surface. He said that since the need exceeds the available funding, he is asking the Committee to prioritize the alleys. Pinion said that there is enough money to do at least three alleys, if the money was stretched and time permitted, possibility a fourth. After a brief discussion the Committee prioritized the alleys as follows:
 1. Sumac Ct., Lake Street east +/- 300 feet (cost shared with Deppe).
 2. Between 7th & 8th Streets, East to Barker Street (westerly 1/3).
 3. Between 12th & 13th Streets, Warren to Barker (2 patches).
 4. Between 5th & 6th Streets, Center to West (2 patches) (Big Tree).
 5. Between 5th & 6th Street, Wheeler to Camp.
 6. Between 4th & 5th Avenue, Broadway to Birch (Library Alley).
- e. Review Sauk County's All Hazard Mitigation Plan 2019-2024 – Chief Stieve presented the background to the Committee. He said that this plan outlines the demographics, the economic background information from all of Sauk County. He said that the Emergency Management Committee has recommended the City adopt this plan. It was moved by Kolb, seconded by Plautz to recommend the approval of Sauk County's All Hazard Mitigation Plan 2019-2024 as presented. Motion carried unanimously.

- f. Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customers for April and May 2019 – It was moved by Kolb, seconded by Plautz to approve the monthly Billing Adjustments/Credit for Sewer and Water Customers for April and May, 2019 as presented. Motion carried unanimously.

Informational Items

- a. Possible revisions to Solid Waste & Recycling Provisions in Chapter 11 of the General Code of Ordinance – Gilman presented the background on this request. He said that going through the ordinance, changes are being brought forth are due to the changes being made by Waste Management is changing how the City can dispose of their waste there. One instance is that Waste Management no longer allows any plastic bags in recycling. He said Waste Management is becoming with the City that if we continue to allow recycling in plastic bags that they will start refusing loads and consider it waste, which will cost more. Gilman felt that cart sizing should also be looked at, and the availability of carts. He said he is proposing that the primary cart size is 96-gallon. There was a brief discussion regarding utility creation. Gilman pointed out that there is a lot of new proposed language regarding to yard waste, leaves, and brush.

Reports

- a. Utility Superintendent's Report – Peterson said the department is in the process of flushing hydrants. He said the last of the bio-solids was just hauled out. Cleaning sewers are ending. He said that they are now getting ready for the open house.
- b. Street Superintendent's Report – Gilman said that the department has been busy with street sweeping, both streets and alleys. The department has also been very busy crack filling, and filling potholes.
- c. Police Chief's Report – Chief Schauf has been busy with gearing up for the circus parade, fireworks, and the fair. He said that the department is short one Community Service Officer. He said that two recent hires are relatively seasoned veterans. He said one of the big purchases from the budget this year was new records management software.
- d. Fire Chief's Report – Chief Stieve introduced Mark Willer, the new Assistant Chief, in charge of training. Willer started on May 29, 2019. Stieve said that he would be working on a progress report for the Operations Study. Stieve said that he had made connection with someone from Wisconsin Emergency Management and they looked at using the Air National Guard unit out of West Bend, with possibly helping with rescues at Devil's Lake. He said that someone is coming to Devil's Lake on Friday for a meeting regarding this. Stieve gave update on High School Training, and also call times.

AJOURNMENT – It was moved by Kolb, seconded by Plautz to adjourn at 2:10 p.m. Motion carried.

Respectfully submitted,

Phil Wedekind, Chairman



To: Members of the Common Council
Ed Geick, City Administrator

From: Jordan LaMasney, Paid-per-Call Firefighter

Date: June 19, 2019

Re: Disclosure per Section 1.77(5), Baraboo Municipal Code

I, Jordan LaMasney, employed by the City of Baraboo as a Paid-per-Call Firefighter, am hereby disclosing to the Common Council per Section 1.77(5) of the Baraboo Municipal Code, that I own a business, Vinyl Graphics for You LLC, in the City of Baraboo will be bidding on and possibly accepting contract(s) to do work for the City of Baraboo with a dollar amount of more than \$1,000 in aggregate for a 12-month period.

Jordan LaMasney
Owner: Vinyl Graphics For You LLC